HUMAN RIGHTS EDUCATION, SOCIAL CHANGE AND HUMAN VALUES

Compilation of Selected papers
presented at

ASIA - PACIFIC REGIONAL CONFERENCE ON "EDUCATION FOR HUMAN RIGHTS"

(3rd to 6th February, 1999)

World Peace Centre
MAEER's MIT, Pune, India

Jointly Organized by

World Peace Centre of MAEER's MIT, Pune, India
UNESCO, Paris,
National Human Rights Commission, India
Indian National Commission for Co-operation with UNESCO,
Government of India, New Delhi

03732

Community Health Cell
Library and Documentation Unit
367, "Srinivasa Nilaya"
Jakkasandra 1st Main,
1st Block, Koramangala,
BANGALORE-560 034.
Phone : 5531518

For

Drs Thelma & Ravi Narayan.

With warm personal regards

For our togetherness in Health & Human Rights

Bangalore

12th March, 2007.







HUMAN RIGHTS EDUCATION, SOCIAL CHANGE AND HUMAN VALUES

Compilation of Selected papers
presented at

ASIA - PACIFIC REGIONAL CONFERENCE ON "EDUCATION FOR HUMAN RIGHTS"

(3rd to 6th February, 1999)

World Peace Centre
MAEER's MIT, Pune, India

Jointly Organized by

World Peace Centre of MAEER's MIT, Pune, India
UNESCO, Paris,
National Human Rights Commission, India
Indian National Commission for Co-operation with UNESCO,
Government of India, New Delhi

COMMUNITY HEALTH CELL
LIBRARY
AND
DOCUMENTATION
RHR-120
06732 N99

Printed and Published by
Dr. Vishwanath D. Karad, UNESCO Chairholder
for Human Rights, Peace and Democracy
for and on behalf of
World Peace Centre of MAEER's MIT, Pune, India

EDITORIAL BOARD

Dr. Vishwanath D. Karad
Mr. R. V. Pillai
Dr. Chandrakant S. Pandav
Advocate Bhaskarrao E. Avhad
Prof. Vijay S. Rao
Prof. Janusz Symonides
Dr. Vladimir P. Volodine

Special thanks to Mr. Peter Parekattil, Dr. Sunil Karad, Mr, Sunil Paralikar and Mr. Pritam Singh for their conscientious efforts in the editing and publication of this compendium.

The ideas and opinions expressed in this publication are those of the participants in the Asia-Pacific Conference on Education for Human Rights and do not necessarily reflect the views of the Publisher.

Printed at : Balwant Printers, F. C. Road, Pune. ☎ 91+020+5658223

Contents

List of Authors V

Preface VII

Genesis of Pune Conference XII
Vishwanath D.Karad, Bhaskar E.Avhad, Vijay S.Rao and Chandrakant S. Pandav,

Part I Human Rights Education - Concepts and Pedagogy

1. Human Rights Educaton and Social Change 3
Mool Chand Sharma

2. Human Rights Education : Pedagogy and Empowerment 13
Kannamma S. Raman

3. The Philosophy and Science of Human Rights 47
Murzban Jal

4. Hermeneutics and Education for Human Rights 53
In Suk Cha

5. Human Rights Education 67
Nirmala Pandit

6. Education for Human Rights 77
Ashok R.Basu

7. UNESCO's Contribution to the Development of Human Rights Eduction : Achievements and Challenges 89
Janusz Symonides

8. National Human Rights Institutions : Their Role in Education for Human Rights 111
R.V.Pillai

Part II Regional and Country Perspectives and Profiles

9. Gaining Ground : Human Rights Education in Asia-Pacific –HURIGHTS Osaka 125
Jefferson R. Plantilla

10. Human Rights Education in the Pacific 185
Chaitanya Lakshman

11. Human Rights Education : Bangladesh Perspective 203
Akram H.Chowdhury

12. Education for Human Rights in Cambodia 211
Thun Saray

13. Devaluation & Distortion of Human Rights in School Textbooks 223
Sheela Barse

14. Challenge of Human Rights for University level Education in India 245
Pandav Nayak

15. The Role of Political Developments in Human Rights Education in Iran 257
Eftekar Jahromi and Amir-Arjomand

16. Human Rights Education in Nepal (INSEC Experience) 261
Devika Nanda Timilsina

17. Human Rights Education in New Zeland Schools 265
Bruce Coleman

18. Formal and Non-formal University Education in Human Rights – A Romanian Study 273
Lidia Elena and Emil

Part III Human Rights Education and Vulnerable Groups

19. Protection of Human Rights of Victims of Armed Conflicts and Armed Violence 283
Umesh V.Kadam

20. Human Rights Education Strategies to Address Problemsof Vulnerable Groups in Asia Pacific : Lessons from South Asia 293
Joseph Gathia

21. Women, Development and Gender Justice 297
S.P.Sathe

Part IV Human Rights Education and The Media

22. Role of Media in Safeguarding Human Rights 327
K.Srinath Reddy

23. Getting Results and Gaining a New Audience; the Pro-active and Creative Use of Media in Human Rights Education and Promotion 333
Margie Cook and Mervyn Smythe

Part V Pune Declaration : Education for Human Rights in Asia and Pacific

24. Education for Human Rights in Asia and Pacific 359

List of Authors:

Prof. (Dr.) Vishwanath D. Karad is the Founder President and Director-General of World Peace Centre of Maharashtra Academy of Engineering & Educational Research's Maharashtra Institute of Technology, Pune, India. He is the UNESCO Chair Holder for Human Rights, Democracy, Peace and Tolerance at World Peace Centre, MAEER's MIT, Pune, India, which was established in May 1998. An eminent educationist and a great visionary, philanthropist, he is a firm believer and proponent of Value Based Universal Education System devised on the principles of "Union of Science and Religion alone will bring Harmony and Peace to the Humanity".

Advocate Bhaskarrao E. Avhad is an eminent scholar and a renowned authority in the field of Law, Judiciary, Vedic Jurisprudence and Human Rights Education. He is a leading advocate and legal practitioner well known for his ebullient views on legal matters. Adv. Avhad is a one of the most revered and highly respected teacher of repute, more known as a Philosopher, a Poet, original thinker and a man of literature in varied areas of studies.

Dr. Chandrakant S. Pandav is the Secretary of the World Peace Centre of MAEER's MIT, Pune, India. He is a physician, public health specialist, epidemiologist, health economist and a senior Member of a Faculty of the prestigious All India Institute of Medical Sciences, New Delhi, India. He has been consultant of WHO, UNICEF and other International organizations at national, regional and global level working for human welfare.

Prof. Vijay S. Rao is the Director – International Relations of World Peace Centre of MAEER's MIT, Pune, India. He is endowed with rich experience of working at various international organizations both within and outside India. He is known for his rich contributions in promoting Effective Communication and Human Dynamics in the corporate as well as the academic world. Prof. Rao is a gifted orator and a great master very well known for his inspiring and motivating speeches to promote the cause of Culture of Peace and Human Rights.

Mool Chand Sharma – Professor, Faculty of Law, Delhi University and

Consultant on Human Rights Education, University Grants Commission, India.

Marzban Jal. Centre for Visual Anthropology, Pune, India.

In Suk Cha – UNESCO Chairholder for Philosophy at Department of Philosophy, Seoul National University, Korea, Chairman of the Asia – Pacific Philosophy and Education Network for Democracy (APPEND).

Nirmala Pandit – An eminent educationist and Professor of Law in Pune University, Pune, India.

Ashok Ranjan Basu – Member of Indian Administrative Service and is currently Commissioner-cum-Secretary of Himachal Pradesh Human Rights Commission, Simla, India.

Janusz Symonides – Director, Department of Peace, Human Rights, Democracy and Tolerance, UNESCO, Paris, France.

R.V. Pillai – The First Secretary General of National Human Rights Commission of India, Senior Consultant, Asia – Pacific Forum of National Human Rights Institutions, Member, United National Committee on Elimination of Racial Discrimination and Member, Executive Committee of Commonwealth Human Rights Initiatives. He belongs to the 1962 batch of the Indian Administrative Service, New Delhi, India.

Jefferson R. Plantilla – Researcher with HURIGHTS, Osaka, Japan.

Chaitanya Lakshman – Project Manager, Institute of Justice and Applied Legal Studies, Suva, Fiji Islands.

Akram H. Chowdhury – Secretary General, Bangladesh Institute of Human Rights, Dhaka, Bangladesh.

Thun Saray – President, The Combodian Human Rights and Development Association, Cambodia.

Sheela Barse – Founder Director of Neergaurav Research and

Development Foundation Working for Children's Rights, Police Persons Children, Women's Perspectives and Studies of Law and Justice System, Mumbai, India. She is a lawyer by Profession.

Pandav Nayak – Director, Human Rights Project, Indira Gandhi National Open University, New Delhi, India.

Eftekar Jahromi and Amir-Arjomand – Professor, International Law at University of Shahid Behershi, Faculty of Law, Teheran, Iran.

Devika Nanda Timilsina – Programme Co-ordinator, Informal Service Centre, Kalanki, Kathmandu, Nepal.

Bruce Coleman – Education Officer, New Zealand Human Rights Commission, New Zealand.

Lidia Elena and Emil – Lidia is Vice Rector, Northern University of Baia Mare, Romania. Emil is the Rector, Northern University of Baia Mare, Romania.

Umesh V. Kadam – Legal Officer, International Committee of Red Cross, New Delhi, India.

Joseph Gathia – Founding Director and Social Policy Analyst at Centre of Concern for Child Labour, New Delhi, India.

S.P.Sathe – The Author is Honorary Director of Indian Institute of Advanced Legal Studies (IIALS), Pune, India.

K. Srinath Reddy – Eminent Cardiologist and a Senior Faculty Member of the All India Institute of Medical Sciences, New Delhi, India.

Margie Cook – Director, Public Affairs at HREOC (Human Rights Equal Opportunities Commission), Sydney, Australia. Also co-authored by Mervyn Smythe of Sydney, Australia.

Preface

The evolution of human beings from their arboreal ancestry was not only one of biology and bodily characteristics, but at a more fundamental level it was a consequence of nurturing values such as mutual understanding, tolerance, compassion and creativity, and a vision of future built up on these values. They were values which contributed to the rise of civilisations, they were values which emphasized rights, as also duties so that others in the community may enjoy their rights. These rights and duties developed linkages with religion and became the corner stone of basic religious teachings. However, they have assumed a universal, secular character and have come to represent values which ensure the very existence of civil society today. They are no longer identified with one civilisation or one religious group, but with humanity as a whole.

The emergence of human rights values from their religious context to a secular platform has been a process of history, stretching over many centuries. The civilisational values of the East did perceive of human rights as secular values. But the prevailing social structure did not permit, in many cases, universal enjoyment of these rights. Developments in the West such as "The Magna Carta", The "French Revolution" and "The American War of Independence" also led to a greater recognition of the rights of individuals as human beings.

The holocaust we have witnessed towards the middle of the last century and the brutality perpetrated on vast numbers of innocent fellow human beings brought in their wake the need to re-emphasize the worth of human life, the value of liberty and human dignity and the need to ensure equality of opportunity for the unhindered development of human beings, irrespective of race, religion or gender. The proclamation of the Universal Declaration of Human Rights and the adoption by the international community, of the various Covenants and Conventions, particularly the Covenants on Civil and Political Rights and the Economic, Social and Cultural Rights, were a reflection of this need. These were in fact a redefinition - as human rights - of the values which humanity has to cherish to protect and sustain

itself against the onslaught of barbarism and cruelty, oppression and denial of opportunities. These are values to be cherished and promoted not only by the nation states which were the worst sufferers of the holocaust, but also by the other nation states whose peoples are stratified in social and economic terms leading to persistent inequalities, exploitation, denial of rights and opportunities and which suffer from consequent social tensions and violence.

Efforts to address human rights issues have been both global and national. While the United Nations High Commissioner for Human Rights has been the most important instrumentality in the UN system to address human rights issues, a number of other agencies of the UN have, of late, started giving increasing importance to the promotion of human rights. The role of the United Nations Educational Scientific and Cultural Organisation (UNESCO) is particularly significant in this connection. Co-ordinated efforts of the various agencies of the UN system has been, in part, the outcome of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993.That Conference called for increased coordination on human rights with the United Nations system. It particularly stressed that human rights education, training and public information were essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.

The international standards and rules set out by the Universal Declaration of Human Rights and the two Covenants have become binding on nation states which have become a party to these human rights treaties. Respect for human rights basically involve relationship among the people and between the people and the state. Hence the efforts to protect and promote human rights are to be undertaken primarily at the level of nation states. These efforts are thus their fundamental responsibilities. However, they are not exclusively of the national governments; in fact, every component of the civil society has a role to play such as academics or practicing professionals, non-governmental organisations, social activists and media. While the judiciary performs the basic role of protecting human rights, over the years states have set up institutions such as the National Human Rights Commissions and similar bodies to address a variety of human rights issues. These institutions have come up not as a substi-

tute for the existing ones, but to complement the on-going efforts. They have emerged as institutions which provide a credible forum that brings together all the concerned players involved in the promotion and practice of human rights values. The credibility of these institutions is determined by their integrity, stature and acceptability. As a result, these institutions have been able to instil a sense of respect, dynamism and effectiveness in the practice of human rights values and help evolve a human rights culture.

It was, therefore, appropriate that the World Peace Centre of Maharashtra Academy of Engineering and Educational Research's Maharashtra Institute of Technology (MAEER's MIT) Pune and the National Human Rights Commission of India came together under the auspices of the UNESCO to organise a Conference on "Education for Human Rights in Asia and Pacific" in Pune from 3-6 February, 1999. The aim of the Conference was to bring together experts and activists to discuss the present situation and to identify areas of individual and joint efforts in the field of human rights education, focussing on the Asia Pacific region.

This is a compendium of selected papers presented by the delegates at the Conference. The title of the compendium has greater relevance to the countries in this region, more particularly South Asia, as perhaps in no other part of the world, civil and political rights are so intimately intertwined with economic, social and cultural rights. Most of the South Asian countries have been colonies of the West. They have the largest number of the poor and illiterate and have significant segments of the population underprivileged and marginalized. These countries occupy very low rungs in the scale of Human Development Index. Human Rights Education in this context is not perceived as an end in itself, but is seen, along with general education, as a means of empowerment, to know one's rights, to respect other's rights and to defend everyone's rights. It is seen as a medium of inculcating values which promote social change and development. We have, therefore, chosen the title of the book, "Human Rights Education, Social Change and Human Values", keeping in mind this philosophy and approach.

The papers presented at the Conference and included in this book come under five broad categories. They cover the background

to the organisation of the Conference, Human Rights Education – Concepts and Pedagogy (Part I) the human rights situation at the regional and national levels (Part II), understanding of the rights of women, children and other vulnerable groups (Part III) and the media (Part IV). These papers have been woven around the theme of inviolability of basic human rights and fundamental freedoms, the role of the state as well as the society in protecting and promoting these rights and the methodologies that are being used to create awareness and impart knowledge of these rights. The Conference made a number of recommendations which when implemented would have the effect of accelerating the on-going work both at national and international levels. The Pune Declaration issued at the end of the Conference and which contains these recommendations forms "Part V" of the book.

The selection of papers for this publication has been made with a view to ensuring maximum representation of countries participating in the Conference, representing diverse historical, linguistic, cultural, social and political backgrounds. This has helped in presenting as wide a spectrum, of experiences, developments and perceptions, as possible. At the same time, this has also necessitated inclusion of papers of varying lengths and with varying levels of mastery over the English language. While the editors are conscious of a consequent lack of uniformity and cohesion in the book, their choice has been a deliberate one.

It is hoped that publication of the papers presented at the Conference in the present form will be a useful addition to the literature on Human Rights Education.

World Human Rights Day,
10th December 2000

World Peace Centre
MAEER's MIT
Pune, India

Genesis of the Asia Pacific Regional Conference on Education for Human Rights, Pune, India, February 1999

Vishwanath D.Karad, Bhaskar E. Avhad,
Vijay S. Rao & Chandrakant S. Pandav

The Maharashtra Academy of Engineering and Educational Research (MAEER), ever since its establishment has been endeavouring to promote the value based education as per Swami Vivekananda's Philosophy that ***"Union of Science and Religion/Spirituality alone will bring Peace to Humanity"***. It was the idea of Prof. Vishwanath D. Karad and Advocate Bhaskar E. Avhad; the Board of Trustees as well as the Managing Committee to establish initially educational institutions with an environment for positive learning based on vision and values. Being convinced of this idea, the promoters and founders of the MAEER's Maharashtra Institute of Technology (MIT) have been striving hard to spread this culture of learning, co-operation and understanding to promote the **Culture of Peace**.

MAEER's MIT, Pune, India has taken up the task of inspiring and motivating the students from Primary/Secondary Schools to the Higher Education at Under-Graduate level including the Professional Colleges of Engineering Sciences, Medical Sciences, Pharmacy, Management Sciences and Commerce, which is the greatest challenge facing the nation and all educational institutions in the world.

MAEER's MIT, Pune, has now become the center for promoting innovative concepts and ideas in the field of education and training. This institution encourages intellectuals from all professions, to meet and discuss new concepts of teaching, learning, training and experimenting the new methodologies to bring about attitudinal change in the students.

Mission Statement:

World Peace Centre of MAEER's MIT, Pune, India is committed

to promote the **"Culture of Peace"** through value based **"Universal Education System"**, with a firm belief that **"Union of Science and Religion/Spirituality alone will bring peace to the mankind".** The centre further believes in what the 13th century Saint Philosopher **Sant Shri Dnyaneshwara** stated ***"the whole universe is a manifestation of pure intelligence and consciousness".*** The centre, further identifies itself with Albert Einstein's assertion ***"I believe in God, who reveals himself in the orderly harmony of the Universe, and I believe that intelligence is manifested throughout all nature".*** The great saints, sages and seers and the learned scientists of the world have always a common goal i.e. ***Welfare of the Humanity.***

The Sequence of Events

The First National Debate – Pune, India. (18, 19 April 1993)

The first National Debate on "Indian Education System - Need for Change", organised by MAEER's MIT, Pune brought together professionals from all walks of life. It was held on 18 and 19 April 1993 in Pune. Late Mr. P.N. Haksar, a former Deputy Chairman of Planning Commission, Government of India, was the Chairman of the National Debate. This was indeed a starting point for MAEER's MIT to expand its activities in the world of Science, Technology, Education, Philosophy, Culture of Peace and Human Rights. This could bring together diverse components of the society on a common platform to promote a New World Order with reverence and respect for all living beings and 'Mother Nature' in particular.

Leading citizens and experts from various fields – thinkers, philosophers, scientists and educationists gathered together on a common platform to discuss and deliberate on the various issues related to the ***present Indian Education System***. Particularly, the issues like degradation of time tested moral and ethical values were considered on priority. What changes need to be adopted in the teaching and education system to prepare the future generation to face the new challenges of the 21st century was deliberated in detail. It was finally decided that there is a need to devise a new ***Value Based Education System*** for India based on the proper understanding of the ***Role of Science and Spirituality.***

The Second National Debate – Bangalore, India (21, 22 November, 1993)

The Second National Debate on "Indian Education System - Need for Change" was held on 21 and 22 November 1993 in Bangalore. India's renowned scientist Dr. C.N.R. Rao, was the Chief Guest of Honour. On this occasion Dr. Arcot Ramchandran, Under Secretary-General of United Nations Habitat, delivered the keynote address. Eminent personalities present in this debate included Dr. Raja Ramanna, eminent nuclear scientist and former Chairman of Atomic Energy Commission, Dr. H.C. Visvesvaraya, Vice-Chancellor of Roorkee University, Dr.M.A.Partha Sarathy and Late Dr. S.P.Godrej, President, World Wildlife Fund. A galaxy of Scientists, Industrialists, Academicians, University Vice-Chancellors and others, concerned with education and human welfare activities came together to discuss what needs to be done to revamp the present educational system and devise a new methodology for education, teaching and training programmes, to bring about the desired change in the mindset of the people.

These two national debates stressed the need to bring about radical changes in the present education system by conforming to the ethos, culture and heritage of India and at the same time keeping in mind the changes taking place at the global level. The Debate concluded that the present education system did not allow the full development of individual personality as a global peace loving citizen. Therefore, it is important to prepare future global citizens physically strong, mentally alert and intellectually sharp to measure up to the challenges of the twenty first century.

MAEER's MIT, Pune responded to the urgent need of promoting Culture of Peace, Human Rights, Harmony and Value Based Education for all. With this vision, the MAEER's MIT, Pune took the initiative of hosting the first World Philosophers Meet, in 1996 at its Campus in Pune. This was certainly a historic event for an institute teaching Engineering Sciences, Medical Sciences and Business Management to expand its horizons and reach out to broaden human values so as to promote the quality of life at all levels.

First World Philosophers Meet : Parliament of Science, Religion and Philosophy - Pune, India (24 - 30 November 1996)

Greatly motivated and inspired by the teachings of great ***philosopher Swami Vivekananda and philosopher Saint Shree Dnyaneshwara*** and ***Saint Shree Tukaram of India*** and also influenced by other philosophers like ***Aristotle, Socrates and Plato.*** Also, taking into consideration the mind boggling scientific innovations, discoveries of great scientists like Dr. Albert Einstein and others, which has changed the pattern of life and thinking, prompted MAEER's MIT, Pune, India to organize the ***First World Philosophers Meet – A Parliament of Science, Religion and Philosophy*** from 24th to 30th November, 1996 at Pune, India.

Prof. Vishwanath D. Karad, Founder Executive President of MAEER's MIT, Pune, India, took the initiative and lead in organizing this "First World Philosophers' Meet - Parliament of Science, Religion and Philosophy" under the able guidance of most revered and great philosopher of India Late Dr. Surendra S. Barlingay.

The concept, ***Vasudhaiva Kutumbakam (World as one Family),*** espoused by ancient India, was the basis of the first World Philosophers Meet and the most appropriate theme chosen for this Meet was **"Parliament of Science, Religion and Philosophy".**

Ms Francine Fournier, Assistant Director-General of UNESCO participating in the Meet expressed that MAEER's MIT with its approach to education based on higher human values was indeed the right place for establishing the World Peace Centre. She read out a message from the Director-General of UNESCO, assuring UNESCO's involvement in promoting a culture of peace and human rights in partnership with MAEER's MIT, Pune, India.

The Indian Philosophical Congress, Maharashtra Tatwajnana Parishad, Akhil Bharatiya Darshan Parishad and Afro-Asian Philosophical Conference and Federation International des Societies de Philosophie joined the World Peace Centre, MAEER's MIT Pune in organising this Meet which attracted participants from over 47 nations of the world. It was specially organized to commemorate the 700th Anniversary of Philosopher Sant Dnyaneshwara who attained

Sanjeevan Samadhi in the year 1296.

His Holiness Dalai Lama, Nobel Laureate for Peace, inaugurated the World Philosophers' Meet in Pune. The other dignitaries present were Dr. Claes Nobel, grand nephew of Sir Alfred Nobel, religious heads, eminent scientists, industrialists, academicians and thinkers gathered together on this great occasion.

The Meet called upon all sections of humanity to shun violence, jealousy, hatred and all discriminations towards fellow human beings and to join hands in partnership transgressing the boundaries of the nations and to stand united to wipe out illiteracy, poverty and victimization of weaker sections of the society thereby truly practicing the concept of ***Vasudhaiva Kutumbakam*** **(World as One Family).**

His Excellency, the Governor of Maharashtra, Dr. P.C. Alexander, delivered one of most scintillating and thought provoking valedictory address on the Role of Science and Spirituality in Human Welfare. Particularly, he highlighted the contributions of the great religions of the world like Hinduism, Christianity, Buddhism, Islam and other religions of the world.

At the concluding session, it was decided to hold the Second World Philosophers Meet in two years time in Geneva, Switzerland.

Visit of Dr. Dumitru Chitoran - Special Advisor to Director-General, UNESCO, Paris. (24 - 30 November 1997)

Dr. Dumitru Chitoran - Special Advisor to Director-General, UNESCO, Paris visited the World Peace Centre, MAEER's MIT, Pune in November 1997. As a special invitee, he delivered the Keynote Address at the Second Endowment Lecture Series of Saint Shree Dnyaneshwara and Saint Shree Tukaram. During his stay in Pune, Dr. Chitoran studied and observed all the activities of MAEER's MIT Engineering College and also visited MIT School and Junior College.

Dr. Chitoran was greatly impressed by the various activities being done by MAEER's MIT, Pune, India, concerning a project to purify the polluted river Indrayani at Alandi, to clear up the pollution surrounding the river and providing basic facilities for the pilgrims.

He was deeply touched by the school children, who gave a

display of physical fitness through Yoga, Meditation and other activities. His observation of MAEER's MIT, Pune, India, during his three days stay in Pune made him feel that MAEER's MIT was a unique Educational Centre adopting the objectives of UNESCO. In fact, he was pleased to see, "UNESCO in action" at MIT. He also said that World Peace Centre of MAEER's MIT, Pune, India is a worthy place to establish a UNESCO Chair for Human Rights, Democracy and Peace. Accordingly, a MOU was signed at the UNESCO Head Quarters in Paris between the Director-General of UNESCO, Paris His Excellency Dr. Federico Mayor and Dr. Vishwanath D. Karad, President, World Peace Centre of MAEER's MIT, Pune, India on 12th May, 1998 confirming the establishment of the UNESCO Chair for Human Rights, Democracy and Peace at the World Peace Centre of MAEER's MIT, Pune, India.

Second World Philosophers Meet : Parliament of Science, Religion and Philosophy, Geneva, Switzerland. (18 - 21 August, 1998)

As per the unanimous resolution at the time of the First World Philosophers Meet at Pune the Second World Philosophers Meet was held in Geneva, Switzerland.

With the joint sponsorship of UNESCO, Paris, Indian National Commission for Cooperation with UNESCO, Ministry of H.R.D., Government of India, New Delhi and Swiss National Commission for UNESCO, this Meet was held from 18 to 21 August 1998 in Geneva, Switzerland. This was truly a landmark in the history of India and particularly in MAEER's commitment to spread the message of Saints, Sages, Seers, Scientists, Academicians and Philosophers of the world to the entire mankind.

The theme of the Meet was **"Science, Religion and Ethics in the 21st Century"** as the organisers felt that these three were indeed the pillars that unite humanity and create an environment of global understanding. Over three hundred delegates representing over twenty seven (27) nations participated in the Meet.

Asia-Pacific Regional Conference on "Education for Human Rights", Pune, India (3 - 6 February 1999)

The Asia-Pacific Regional Conference on "Education for Hu-

man Rights" was a continuation of the efforts of the World Peace Centre of MAEER's MIT, Pune, India to promote respect for universal human values. This was also a reflection of the philosophy and commitment of the World Peace Centre. It was jointly organised by the World Peace Centre of MAEER's MIT, Pune, India, UNESCO, Paris, National Human Rights Commission, India, New Delhi and Indian National Commission for Co-operation with UNESCO, New Delhi from 3 to 6 February 1999.

Hon'ble Justice Shri M.N. Venkatachaliah, Chairman of National Human Rights Commission (NHRC) and former Chief Justice of India, inaugurated the conference. Dr. Karan Singh, a renowned philosopher and Vedic scholar delivered an extremely thought provoking and inspiring keynote address. Important personalities from UNESCO, Paris, Department of Human Rights Division Prof. Janusz Symonides, Dr. Valdimir P. Volodine were the main guiding force behind this Asia - Pacific Regional Conference on "Education for Human Rights held at Pune. Ms. Helga Klien represented the UN High Commissioner for Human Rights, New York.

The other distinguished persons who were present and involved themselves actively during the period of 4 day conference were Hon'ble Justice V.S. Malimath, Mr. R.V. Pillai, First Secretary General, NHRC, Dr. Chiranjeev Singh, Indian Ambassador for UNESCO, Paris, the Vice – Chancellor of the Pune University, chiefs of several well known NGOs, civil servants representing the State of Maharashtra as well as the Central Government. Women organizations were well represented. Further, high ranking officials from organizations in Asia – Pacific Region were also represented at this Conference.

The unique aspect of this Conference was the specially organized Students Session, right from Secondary School Children up to the Post-Graduate level. All students present discussed the ways and means to introduce Human Rights Education in Schools and Colleges. The students made a positive commitment to work together for promoting the Culture of Peace and creating the awareness of Human Rights Education in their respective Institutions and places of their residence.

The Conference was truly an opportunity to share the con-

cepts and practices as well as experiences in promoting human values in general and human rights in particular. There was unanimity of views at the conference that these values contribute significantly to social changes that unite humanity and create an environment of global understanding. The views of the participants found expression in the 'Pune Declaration' issued at the end of the Conference.



PART I

Human Rights Education - Concepts and Pedagogy

1

Human Rights Education and Social Change

Mool Chand Sharma

Democracy, Development and Human Rights– Triangular Relationship

There is growing recognition the world over that "democracy' "development" and "human rights" are closely inter-linked and interdependent. Threat to one is threat to the other two. While delivering the inaugural address at a function organised by the National Human Rights Commission to commemorate the 50th anniversary of the Universal Declaration of Human Rights, the Chief Justice of India, Dr. A.S. Anand expressed similar views saying : "Unless Human rights are made the focal point in good governance, no progress is either possible or sustainable as no amount of economic development can be sustained without a baseline of respect for human rights."

Democracy is not a mere form of government, it is a set of values and a way of life that ensures respect for identity, choices, capacities and abilities of every member in such society. Development, too is not merely development of material resources but also of people in terms of infrastructure and betterment of quality of life of every member in the society. Thus, respect of every member of society as a distinct human being, and the welfare of each such human being constitutes the basic postulate for both democracy and development. Consequently, therefore, a society that lacks commitment to

the preservation of human rights can boast neither of democracy nor of development. For in such a society access to the benefits of development is confined only to a privileged few and, in turn respect and recognition of its members is measured in terms of their status and possessions.

Any developmental activity that ignores the needs, aspirations and participation of people at grass-root level and denies them access to its benefit would thwart democracy and processes thereof. Many a time activities undertaken in the name of development lead to mass uprooting of indigenous people, degradation of environment, imbalancing ecology and creating new zones of marginalised. Obviously, these and other such consequences of imbalanced approach to development involve serious erosion of human dignity and violation of human rights. Similarly, in a system where differences in sex, religion, caste, colour, age and others are characterised by patterned inequity and persistent marginalisation of specific groups, it is not only a symptom of democracy's failure but a sign of society's unwillingness to confront continuing injustices but symbolises its utter disregard for human dignity and negation of human rights. A serious threat to democracy and human rights is also inherent in draconian laws and excessive use and abuse of force and authority by the state agencies as reflected and exemplified by rising custodial deaths, killings in encounters, regularly reported innocent killings at the hands of paramilitary forces. Many a time, members of the civil society using their social states use force and indulge in practices, which are derogatory to human dignity. Employing bonded labour, practising untouchability, perpetrating *sati*, (the act of a widow ending her life by jumping into the funeral pyre of her husband) indulging in child abuse and engaging child labour are some of the examples that reflect gross violation of human rights. These and other such tendencies defeat the very purpose of both the democracy as well as development.

Evolving Human Rights Culture - A Pressing Need

In the background of the triangular relationship of democracy, development and human rights, the arm of human rights becomes the base of the triangle and takes the central place. We are, therefore, required to make serious and meaningful engagement in evolving a kind of culture which would be conducive to the full and effective realisation and promotion of human rights and thereby, to strengthen the processes of democracy and development. This constitutes, what may be called, human rights culture - a culture that is sensitive, responsive and reflective in its character. It is the kind of culture which is more sensitive to human disabilities and sufferings, it is more responsive to human needs - material, emotional and social, it is more reflective of values of equality, fairness and justice-social, economic and political.

In fact the Founding Fathers, conscious of the need to evolve the kind of culture which is sensitive to human rights, gave a detailed constitutional scheme, as enumerated in the preamble, part three and part four of the Constitution of India. Unfortunately, despite more than four and a half decades of its operation, the goal of ushering in human rights culture has still remained a distant reality. Amongst other causes, lack of recognition in the significance and potential of 'education' as an instrument for bringing changes in social and cultural attitudes by the planners and policy-makers on the one hand and the failure of the education to serve the cause it stands for, on the other are perhaps the most important reasons responsible for this situation and which directly concern us. It is only in the last few years that the importance of education in relation to human rights has attracted the serious attention of national policy-makers, educationists and education planners.

Before examining these efforts relating education and particularly the higher education to human rights jurisprudence we would like to emphasise, that evolving human rights culture

described earlier in this paper requires operating at various levels such as:

(a) spreading awareness amongst the people, particularly amongst weaker, poor, disadvantaged and vulnerable groups, of and about their human rights,

(b) imparting capacities and confidence more so in case of the weak and disadvantaged to stand for enforcement, protection and preservation of their rights,

(c) sensitising and requiring people to shed some of their prejudices and attitudes (based on differences in sex, caste, religion, economic status and others) which are derogatory of other's dignity,

(d) creating different kind of knowledge, innovating or reforming structures, evolving methodologies and normative regimes that are more responsive to human rights jurisprudence,

(e) devising and imparting new skills, training and competencies amongst the policy-makers, decision-makers and those responsible for executing these policies and decisions so that they imbibe greater sensitivity to the demands of human rights in discharging their functions,

(f) devising new and making effective existing structures of accountability so that state agencies and other power holders can be easily held responsible for their disregard of human rights. This may gradually lead into internalising respect for human rights.

Human Rights Culture and Human Rights Education

Evolving what we call a human rights culture is suggesting a massive social transformation. This is a stupendous challenge that demands serious and continuous efforts on part of different institutions including legal, social, political and economic. Education including higher education is an important institution

that serves the society. It has been described as "a process of socialisation, of change and innovation, of preservation and dissemination of societal values and of the total development of an individual from birth to death." Thus acting as an important catalyst of socio-economic transformation, process of education can play an important role in evolving a culture that is informed and that serves the cause of human rights and human dignity. Recently the University Grants Commission of India in its ninth plan agenda has given top priority to human rights education and has initiated various efforts in that direction. These steps need to be duly recognised and praised. However, any human rights education agenda, if taken sincerely would require members of the academic community from different disciplines, social action groups and NGOs, human rights activists, policy - makers, planners, professionals, education administrators and others to deliberate seriously on various issues including : what is Human Rights Education (HRE) ?, What scope and what contents of HRE ?, for whom HRE?, by whom HRE ?, how to impart HRE?, where to impart HRE?, from whom challenges to HRE?, What kind of challenges to HRE ?, how to meet challenges of HRE ? Neither it is possible here to deal with all these and other related questions nor it is the aim or scope of the present paper. The aim is only to raise and discuss some of these issues and in the process may be we come out with one or two suggestion.

Issues in Human Rights Education

Dealing with the question - what is HRE - the International Congress on the Teaching of Human Rights (Vienna, 1978) and the UNESCO International Congress on Human Rights Teaching, Information and Documentation (March, 1987) unequivocally mentioned that human rights education and teaching must aim at fostering an attitude of tolerance, respect and solidarity inherent in human rights, providing knowledge of human rights in both national and international dimensions

and develop among the individuals awareness of the ways and means by which human rights can be translated into social and political reality at both national and international levels.

This kind of education should not only make the individual aware of his or her own rights but should also at the same time instill respect for the rights of others. The International Congress for Educational and Democracy (Montreal, 1993) also addressed the issue of defining the human rights education when it adopted the word 'Plan of Action' that calls for global mobilisation of resources to educate individuals and groups about human rights so that inappropriate conduct leading to a denial of human rights will be changed. It went on to say that learning is not an end in itself, but rather the means of ending violations of human rights and building a culture of peace based on democracy, development tolerance and human respect.

It is true that education cannot eliminate the conditions that cause massive violation of human rights and even affect human survival. There are various social, political and economic factors responsible for this. But education does indeed liberate the mind of the individual and provide him the capacity and maturity to act. Human rights implies universality. Education in human rights should make an individual conscious of the basic and inalienable rights of others regardless of sex, language, religion and other social and economic conditions. It will enable them to become more responsible citizens not only of their own countries but of the world.

Coming to the question of scope and contents of human rights education, it needs to be stressed that imparting knowledge of normative regimes of human rights and existing institutional mechanism for their protection and enforcement at international, regional and national levels is crucial but not sufficient. It is equally important that human rights education captures various debates and critiques about these normative regimes and functioning as well as effectiveness of various

existing institutional mechanisms. There is need to provide an understanding as to how these rights become and in what ways they become vulnerable to various structures of power-relations and societal hierarchies.

Human rights education cannot merely be an intellectual exercise leading to acquisition of knowledge in the classroom. It requires building linkages between what happens in the society and what is transmitted in the classes. It requires capturing actual experiences of violation of human rights and deprivation and denial of human dignity. This kind of education needs field experience and action oriented ways of learning and teaching.

In this context it may be mentioned that requiring the students to (a) do field work as part of their learning experience, and (b) collecting, collating and classifying the data and experience that various Social Action Groups and NGOs working in the field have already acquired can be an important aspect of human rights education. It may lead not only to sensitising the learners but also may lead to creation of new knowledge and research that could be used for realisation or preservation of human rights.

Addressing questions such as : who to teach, how to teach, when to teach, it needs to be emphasised that human rights education by its very nature is multi-disciplinary. Human rights cannot be compartmentalised into academic disciplines; these have to be conceptualised in their entirety. This demands not only multidisciplinary approach to teaching but also to research on issues of human rights. About the manner of teaching human rights there are different views. Some advocate that human rights should be an independent subject of study in the same way as any other subject, say, economics or mathematics, while others are of the view that human rights contents should be included in every subject. We are of the view, that in order that human rights acquire their due status in educational experience

of all consumers of higher education, it is needed at least at initial stages that the three alternative approaches suggested here be pursued simultaneously of course depending upon the context and circumstances. The three approac hes are :

- introducing stand-alone courses on human rights,
- human rights contents and concerns to be incorporated in courses being taught,
- reorientation of all courses so that human rights component is not seen as an adjunct to the existing syllabi.

A strategy combining these three approaches would make concern for "human dignity, "human development" and "coexistence of all human" the real focus and purpose of education. As we are focussing here on higher education, it needs to be stressed that human rights education must encompass in it a strong research-component. Any teaching of or about human rights requires back up by strong multidisciplinary research on various aspects and complexities of protection, enforcement and realisation of human rights. The research aspects of human rights education assumes greater significance in the recent times when expanding regimes of multi-national corporations and their ever increasing lust for maximising profits makes human rights in developing countries more vulnerable. The focus of research as component of human rights education acquires a drastic shift. Local, regional and national problems of disadvantaged and marginalised groups become the theme of research.

Whether human rights be taught at primary and middle school level, or secondary school level or college level or university level? We are of the view that teaching human rights at school level is a fundamental necessity for evolving a human rights culture as described in earlier parts of this paper. However, teaching human rights at college level and university level in our view is no less important. It is true the approach

and contents of human rights education would vary from level to level. We do not think there is need to discuss this aspect any more here.

What to teach or what should be the contents of human rights curriculum is perhaps the question that needs most serious attention on the part of us all. Human rights is an extremely expanding field. These are bound to get enriched in content and extent with growing enlightenment in human society. Curriculum development in human rights has, therefore, to be a continuous exercise involving collaborative thinking amongst various disciplines, experiences and expertise. The human rights curriculum development ought to take into account the changing global, regional and the national socio-economic and cultural context while determining the contents of such a curriculum. The textual teaching materials would be needed. While devising such materials care be taken to integrate and incorporate local experiences, highlighting the ground realities about the human rights - their violation, protection and enjoyment by the weaker and disadvantaged sectors of the society.

Any approach to curriculum development ought to incorporate in the least the following three areas of learning :

It is extremely important for students to learn, understand and evaluate historical aspects of human rights, and do likewise with theories and generalizations about concepts such as rights, freedom, human being, political, civil, social and economic liberties etc. Each one of these concepts will, indeed, accommodate a great number of specific facts, sub-concepts, processes, and interrelations which are part of the conceptual language by means of which the student will be able to communicate his or her ideas, feelings and actions.

The value and attitude area of learning - this area cannot be reduced to the mere awareness of the problem to the expression of positive feelings in relating to human rights or to

the students mere acceptance of the attitudes, codes and principles related to human rights. It is certainly this, but much more too. It is the elaboration of a consistent life project in which human rights become a kind of "utopia " and a "hope". This utopia arises from a critical position of reality and assumes the contradictions implied in the political and social contexts in relation to the acceptance and full realization of human rights,

The learning area of behaviour and action which is, needless to say, the one where conceptual language and acquired attitudes and values become active. The first two kinds of learning would be meaningless if they did not show up in a consistent behaviour. However, it, is important to point out that action is a kind of learning with its own identity. Therefore, it does not follow that once a proper conceptual language and the relevant values and attitudes have been learnt, the learning for action in human rights will be automatically achieved. It is necessary that human rights teaching develops in students the capacity to act as well.

How to impart human rights education ? We argue that there is a strong relationship between the contents of human rights curriculum and different ways and methodologies used in their teaching. Human rights teaching requires creating "life situations" in the classroom. It needs exposing learners to various nuances of human rights violations at the family level, and broader social level. Imparting human rights education would need evolving new kinds of pedagogical skills and techniques.

We may conclude by saying that imparting human rights education conceptualised above would go a long way in socio-economic reforms based on equity, fairness and justice to all. But the real question is whether we belonging to the domain of higher education have the vision, conviction and will to make a meaningful contribution in the national endeavour to evolve a new kind of culture described in this paper as 'human rights culture'.

2

Human Rights Education : Pedagogy and Empowerment

Kannamma S. Raman

It is widely accepted throughout the global community that an effective human rights agenda must include a strong educational component. Yet, human rights education is one of the most neglected aspects of the human rights agenda. The question we need to address at the outset is why teach human rights at all? Why should people learn about these matters in schools, colleges or for that matter why should the marginalised and the privileged section be exposed to the idea of human rights? The answer to these questions is all around us. Not a day goes by without someone somewhere clamouring for self-determination, free election, adequate food or housing or political asylum. Serious human rights violations caused by the rise of jingoism, racism, xenophobia, sexism, religious intolerance show us that the world is far from civilised. This decade has witnessed some of the most abhorrent forms of what is euphemistically called "ethnic cleansing', systematic rape of women, exploitation and neglect of the vulnerable sections of the society such as women, children, aged, and the indigenous people. We have also been a witness to violations which are development induced such as displacement of large sections of society, environmental degradation and health hazards. Equally disturbing are the threats stemming from new technology, such as cloning or genetic engineering and the scourge of new forms of diseases such as HIV + / AIDS. It is my belief that as an individual citizen, we have a duty to understand these things and their dynamics. Unless we do so, we surrender power to those who

claim to understand and become dependent on their interpretations and judgements. It is contended that, to borrow a phrase from the UNESCO constitution, it is in the minds of human beings that gross violations of human rights and prejudice have their beginning and it is in the minds of human beings that respect for human rights need be constructed. However, this contention is only partly true. Socio-economic system and institutions are also largely responsible for perpetuating injustices and denial of human rights. Therefore, human rights education should seek the necessary structural and institutional changes as well.

In this paper we will examine :

- some of the approaches to human rights education
- some of the major international initiatives to promote human rights education;
- initiatives taken to promote human rights education in India; problems in promoting such an education;
- some solutions

Approaches :

Although human rights education is a comparatively new domain several of the issues it propounds are really themes which are ancient, such as morality, democracy, and even virtue. The very core of the concept of human rights and therefore of human rights education, implicates empowerment[1]. They are not merely a project to promote or confer benefits on individuals. They are special claims the individual makes to safeguard his dignity and personhood in the modern nation state. The apprehension of the torture victim, the disappointment of the censored journalist, the annoyance of the voter who knows his vote will be forged or discounted and the fury of the parent who sees his child languish or die due to the absence of adequate health care are all diverse symptoms of the powerlessness that pervades many societies and at which the substantive norms of the human rights movement has

been targeted. The "..... scheme that human rights concepts taken together envision is one of reinvention, a fundamental dispersal and diffusion of power on both the national and international levels. In so far as the nation-state is the instantiation of coercive control mechanisms in a society the international human rights project, seen from this ... perspective, represents a radical threat both to internal governmental domination and to the status-quo of international relations. It is this paradoxical combination of elements – the mind of a dissident with the animate in students[2]?" While their effectiveness has often been questioned, as of now the international human rights institutions and procedures to provide a working structure for human rights organisations all over the world. It is within this framework that most human advocacy is carried out.

If human rights means empowerment there are three dimensions to human rights advocacy[3] :

- on the first level, there is the individual case approach, where human rights groups take up specific violations done to a specific individual or a specific group and attempts to have the victim(s) released from prison or vindicated in some way. At the domestic level, overwhelming majority of advocacy efforts involve individual cases i.e. human rights advocates question the government's version in a particular case. The role of the activist is, more often than not, that of someone reacting to a situation after the act has already been committed. The main efforts here is to get remedy to the individual or the group whose rights have been violated. Or in other words, the authorities in question is made to do something that they would not have normally done. Here human rights groups 'win' a case and exhibit their strength when their interpretation of an episode is accepted or when, for instance, contrived charges against a person who has been illegally arrested is dropped.
- On the second level, there are test cases that are

brought in order to set some precedent or to establish a pattern of violations. Here the endeavour is to influence the larger system in which violations occur. The attempt is to censure not merely the aberrations in one trial or the other but the deviation between the country's de jure recognition of human rights and de facto abuses of rights that occur routinely. The important aspect of this approach is that it furnishes alternative structures to the abusive instruments of the government and not just alternative theories in particular cases. In all the human rights advocacy groups takes on a more proactive role.

The third level of human rights advocacy implies a reconceptualisation by students of their milieu and a fundamental restructuring of the power of governments to impose social visions and social roles on those students. Here rather " ... than changing the discourse of human rights after it has been formed, education can seek to create a consciousness of rights before abuses occur".[4]

It is important to understand which of the above is the underlying imagination of the goals of the human rights movement. Of course they are not watertight compartments but a fair idea of what kind of advocacy is being sought is important as it will shape perceptions of pedagogy.

Within the comparatively restricted boundary of formal education two divergent perceptions of the goals of international human rights enterprise present themselves. One focuses on human rights as a set of fundamental values and the other sees human rights as the tool for awakening a critical consciousness about power structures in society. In turn, within each of these visions, there is a strong utopian view of the role of human rights and a weaker, that is, a more pragmatic one.

The first of these, that is the **Human rights as a system of values** paradigm, submits that human rights education must endeavour declarations. Therefore, educational programmes should

incorporate fundamental values that underlie the entire human rights project such as liberality and respect for others dignity and cultures. The utopians would also stress on how human rights and global ethical progress are intertwined and stress that human rights should be taught in connection with other subjects such as peace, disarmament; development and the like. The educator is expected to perform the role of a preacher. The pragmatists would, however, trace the development of human rights to the holocaust and education here becomes an effort to prevent the repetition of such historical tragedies. Thus "(t)he immediate task of human rights teaching and research should be to prevent or substantially decrease these violations by discovering and applying inexpensive, practical and effective methods of awakening, in individuals, groups peoples and governments an awareness of the value of human rights".[5] Here the teacher attempts to go beyond the global idea of human rights and concentrate on violations that occur in a particular political context.

The second, i.e. **the Critical Consciousness perspective** argues "... that human rights should serve as critical tools which permit students to unmask the power structures in their societies that inhibit the realisation of their full potential as human being"[6]. Even within this tradition two distinct pedagogical approaches are discernible. The approach which for the sake of convenience can be called the rationalist model accepts the premise that the internationally recognised and enumerated human rights are worthwhile and helpful in effecting political empowerment as it enables individual autonomy and rational choice. The contention here is that a human rights education that imbues students with values would be highly ideological and would be contrary to the idea of freedom of thought and autonomy that is inscribed in the principles of human rights. The claim is also that it would be preferable to teach human rights within a precise and limited juridical. This is because, as Senarclens argues, true principles of human rights include freedom from the power of coerced consensus or manipulated attitudes the students should be given the autonomy

to draw the connections between specific events and their human rights implications. The second, that is the deconstructionist model " .. questions traditional notions of what is considered autonomy of thought and argues that fixed ideas about human rights themselves and especially the contextualisation of those rights must be questioned if students are to develop a truly critical consciousness that will enable them to empower themselves through political action"[7]. It is believed that the international human rights order in its present lackadaisical legal form cannot challenge the "deeply ritualised mores and organisation of municipal orders". Consequently, any venture to implant internationally enumerated rights into indigenous societies will never be a satisfactory means of restructuring political power in society. It is only through deconstructing domestic ideologies of rights that power can be dispersed throughout the society.

Though both these perspectives have a number of shortcomings a combination of elements from the different models is required. It is left to the educational institution concerned as to what kind of combination is to be opted for. This is because, as Alicia Ely-Yamin points out, a successful programme must enable the development of a consciousness that would enable the students to develop critical devices by which they can ' ... explore the ways in which truths about rights have been created in their society"[8].

Therefore, if human rights movement has to reach its fullest liberating potential, human rights education must play a pivotal role. Without education about human rights at the national level, international institutions can only hope to deal with the most apparent manifestations of human rights abuses, while the perverse power relations and ideologies that cause them metastasize throughout the social body remain basically unrestrained. Human Rights Education acts as powerful catalyst in :

- First, it raises awareness about the meaning of Human Rights. Providing people with the knowledge of the full range of

rights to which they are entitled to and the will to achieve them constitute the single greatest promise for empowering them to realise those rights;

- Second, people learn through Human Rights Education to participate in the political processes that make the laws effecting their lives, and the practices that make those laws just and effective;
- Third, it animates citizens to the necessity for social change that follows the change of attitudes once societal attitudes change;
- Human Rights Education implies that each person is educated to function in an environment characterised by racial, ethnic, religious and cultural diversity. Also it helps each of us respect human rights and fundamental freedoms of those who are different from us. In a sense human rights education includes educational areas such as intercultural education, multicultural education and global education.
- Fourth, they learn that Human Rights is an indivisible and holistic concept that includes civil, cultural, economic, political and social rights. This in turn helps cultivate Human Rights culture.

The success of such an ambitious role for Human Rights Education requires effective methodologies, integrating Human Rights concepts with the culture and daily lives of people.

Major International Initiatives

The first sentence of the Universal Declaration of Human Rights states that respect for human rights is the "Foundation of Freedom, peace and justice in the world". Indeed denial of human rights is not only an individual or personal tragedy, it also creates conditions of social and political unrest and sows seeds of conflict within and between societies and nations. However, for proper implementation of human rights norms it is necessary for everyone to know about his or her own rights. There is therefore a close

relationship between legislation, implementation and education. According to Article 26 of the UN Universal Declaration of Human Rights (UDHR), "education shall be directed to the full development of the human personality and to strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups ..." Similarly the International Covenenat on Economic, Social and Cultural Rights also obligates the member states to provide human rights education.

Since its inception after the Second World War, however, the international human rights movement largely devoted itself to elaborating norms, institutions, and procedures, and has until very recently all but ignored the need to develop educational programs.

At the international conference on human rights held in Tehran (1968) it was decided to call on all states to ensure that 'all means of education' are used to stimulate interest in the problems of human rights in the changing world. The UN General Assembly resolved in the same year to request its members to take steps, according to the scholastic system of each state, to introduce and encourage the principles proclaimed in the UDHR and other Declarations.

United Nations Educational, Scientific and Cultural Organization (UNESCO) has played an important role in promoting human rights culture and education. The Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms adopted in 1974 represents a milestone in UNESCO's action to promote education on peace and respect for human rights. The 1974 Recommendation established the first international criteria and priorities for teaching human rights that would activate international and regional understandin. The Recommendation reveals its scope and the comprehensive range of tasks that teachers and education institutions need to undertake to achieve the goals specified in its title.

The first International Congress on the Teaching of Human Rights, Vienna, September 1978, reiterated the objective set in the UDHR and further elaborated that human rights education and teaching must aim at : i) fostering the attitudes of tolerance, respect and solidarity inherent in human rights, ii) providing knowledge about human rights, in both their national and international dimensions, and the institutions established for their implementation; iii) developing the individuals awareness of the ways and means by which human rights can be translated into social and political reality at both the national and the international levels. The document also emphasised that education should, while making the individual aware of his or her own rights, instil in the students respect for the rights of others. The final document of the Vienna Congress on the Teaching of Human Rights did mention that "Human Rights Education and Teaching should stress that a new international economic, social and cultural order is essential to enable all people to enjoy their human rights and to promote and facilitate education on human rights at all levels of the educational system, as well as out of school setting such as family and continuing education programme.

The UNESCO also organised International Congress on Human Rights Teaching, information and documentation in Malta in 1987. The International Congress recommended that the Director General should '.. draw the attention of the member States to the necessity of continuing, as far as possible, to establish a complete system of human rights teaching and education available to all citizens and all population groups and covering all levels of education ...". The conference also recommended that the Director-General should "... promote the teaching of non-violent alternatives and strategies for the peaceful resolution of conflicts, and encourage the drawing up of history and civics programmes and manuals in a human rights perspective ...". The Conference also recommended that the Director-General should evaluate, every five year, the situation of human rights teaching in every Member State by addressing a detailed questionnaire to the National Commissions

and competent institutions.

The importance of human rights education has been internationally highlighted with both the World Plan of Action on Education for Human Rights and Democracy and the United Nations decade for Human Rights Education (1995-2004). The decade for Human Rights Education has, in addition to raising public awareness to the issue, sponsored a number of United Nations initiatives to develop international human rights education and training programs.

Programs targeted for the decade included :

- Office of the High Commission for Human Rights (OHCHR) Human Rights training package for prison officials
- High Commission / Centre for Human Rights (HC/CHR) Human Rights Manual for Judges and Lawyers
- Training manual on Human Rights Monitoring for UN field operations
- Guidelines for National Plan of Action for Human Rights Education

These initiatives are currently being developed with the participation of international human rights and education experts, and promise to provide practical human rights materials for the universal promotion of human rights knowledge and understanding.

The World Plan of Action on Education for Human Rights and Democracy was adopted by the International Congress on Education for Human Rights and Democracy in March 1993, as a framework of action to be tailored and executed by various international and national participants. The plan conceives education in its broadest sense and considers human rights education as a "means of eliminating violations of human rights and building a culture of peace based on democracy, development, tolerance and mutual respect" The Plan calls for ".... a global mobilization of energies and resources, from the family to the United Nations to educate individual and groups about human right so that conduct

leading to a denial of rights will be changed, all rights will be respected and civil society will be transformed into a peaceful and participatory model. Learning is not an end in itself but rather the means of eliminating violations of human rights ...."

The World Plan of Action acknowledges that education must be developed for human rights in a changing world and that it should be, participatory and operational, creative, innovative and empowering at all levels of civil society.

The recommendations do not give specific methods of teaching human rights but emphasise that in general "education should aim to nurture democratic values, sustain impulse for democratization and promote societal transformation based upon human rights and democracy".

One of the key contributions of the World Plan of Action is the systematic identification of the various sectors in society that human rights education should address.

The World Plan of Action identifies the following focuses within the formal school setting:

- pre-primary
- primary
- secondary and vocational
- post-secondary colleges and universities
- teacher training/education
- teachers' organisations and unions
- school boards and other levels of education administration
- parents organisations

The objective of teaching human rights within school systems is "to build an integral and broad based curriculum that is both pervasive across subject disciplines and taught as a separate subject so that human rights and democracy education is dealt with repeatedly throughout a person's basic education. The theme of rights, responsibilities and democratic processes should also be woven into all or most topics of study and included in the values

aimed at in school life and in the process of socialization.

Non-formal setting : "The aim of educating these sectors in society is to involve groups of adults and young people, including those not attending schools, in out-of-school education, through their families, their professional associations, workplaces, institutions, groupings, etc.. Programmes should aim at increasing the awareness of individuals in both formal and informal groups to their rights and to their responsibilities and to their full participation throughout society. Special attention should be given to reach all women whatever their current level of participation in public life". The World Plan of Action identifies the following focuses for human rights education in the non-formal setting:

- workplace (unions, employers)
- professional associations
- religious and cultural associations
- youth, including through leisure and sports clubs
- UNESCO clubs, centres and associations
- Groups which are least exposed to public life
- Groups working specifically on literacy, advocacy and assisting those who are living in extreme poverty
- Security, army, police and prison personnel, etc.
- Public officials and decision makers
- Judges and lawyers and other working in the administration of justice
- Media personnel
- Medical doctors, health professionals and scientists

Apart from this UNESCO led or cosponsored a series of activities to promote the implementation of the Recommendation. Among the publications that resulted from these are : Frontiers of Human Rights Education (1983); Teaching for International Understanding, Peace and Human Rights (1984); The International Dimensions of Human Rights (Vasak, 1982). One of the oft-repeated statement in the reports is the lack of qualified human rights teachers.

Human Rights Education in the Indian Context

Programmes for promotion of human rights education have been instituted in almost all countries in Europe, North America, some countries in Latin America and Africa. But precious little has been done in the regard, in Asian countries, including India. This is despite the fact that in countries like India and other South Asian countries the problem of human rights education has colossal and complex dimensions. Here a vast majority of the people do not enjoy even the right to education, which is one of the primary human rights. As per the 1991 census some 328.9 million illiterate people live in India. The problem, though serious can be turned into an advantage because our programme for the removal of adult illiteracy can very easily be used to inculcate human rights dimension.

Yet, despite many of the shortcomings of the present educational system in the country human rights education must of necessity begin in the educational system. It is in view of this that the National Human Rights Commission (NHRC) has worked over the years with the Department of Education, Ministry of Human Resources Development, the National Council of Education, Research and Training (NCERT) and the National Council for Teacher Education.

There is a debate among the educationists and human rights activists about the manner of teaching human rights in schools and colleges. Some experts believe that human rights should be a study subject in the same way as mathematics, science and history and that this is the only way to human rights topics can acquire due status in the curriculum. Others are of the view that rights content should be included in every subject and thus it will pervade all school and college tasks.

Way back in 1980, the University Grants Commission constituted a committee under the chairmanship of Justice S.M. Sikri to consider ways and means of promoting human rights education in India. The committee in its report entitled Human

Rights Education at all levels, suggested different approaches at different levels of education. At school levels human rights values should be best inculcated through stories, visual aids, exhibition and such other methods. At college and university levels these values and ideas can be taught through books and other lessons. The committee felt that even graduate students in science, commerce, medicine and engineering should also be exposed to certain perspectives of human rights. Another attempt was made when the Vice-Chancellor of Delhi University Mr. Upendra Baxi appointed a committee to examine this issue. This committee hardly ever met.

A great fillip came when the National Human Rights Commission came to be established. As per Section 12(h) of the statute the NHRC is expected "to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publication, the media, seminars and other available means". The NHRC has taken a number of steps to spread human rights literacy and promote human rights awareness in the country. The Chairman of the Commission approached the vice-chancellors of all universities proposing that the subject of human rights in all its dimensions may find clear place in the curriculum of the universities and that research, seminars and publications concerning human rights should be encouraged. The bar council has now decided to introduce Human Rights as an optional subject in the law course. The commission shall undertake, protect and promote research in the field of human rights and spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means.

More recently the University Grants Commission (UGC) constituted a Standing Committee on Human Rights Education in 1997 to start post-graduate courses in the universities and to deal with matters relating to the organising of seminars, workshops and symposia at the university level. The Committee has been able to

give direction to teaching and research in this comparatively new academic endeavour. The Standing Committee approved proposals for starting certificate, diploma and degree courses in Human Rights at the Indira Gandhi National Open University, New Delhi, the University of Mumbai, Andhra University, Waltair; Manipur University, Jamia Milia Ismalia, New Delhi; Saurashtra University, Rajkot; Jawaharlal Nehru University New Delhi; and Aligarh Muslim University. The most important aspect of the UGC's initiative has been the emphasis on going beyond mere intellectual exercise. It envisages linkages between colleges/universities and NGOs. It expects the students to do field work as part of the course.

Further the UGC's standing committee on human rights in its meeting held on March 13, 1997 constituted a sub-committee to draft an approach paper for the UGC initiatives and to define strategies for the Ninth Five Year plan. The Ninth Plan Approach to Promotion of Human Rights Education was approved by the Commission on May 21, 1998. Among other things the approach paper emphasises that Human Rights Education must address " ... the need of evolving new structures of knowledge and accountability; it has to impart new skills and sensitivities amongst holders of state power so as to make them more responsive to the culture of human rights and values of democracy".[9] It emphasised that human rights education should be a catalyst in bringing about attitudinal changes". Here they were emphasising on what we called earlier as the second and the third dimensions of human rights advocacy. This emphasis is also seen when the approach paper points out that the concern of human rights education is not only to expose these practices and lacunae and weaknesses to law and its enforcement but also to re-examine the existing laws in the context of human rights resulting in indirect violence.[10]

Mumbai University takes the lead

We in Mumbai can rightfully be proud about the fact that we have taken steps to promote awareness both at the college levels

and through a course specially designed for this purpose[11]. The Department of Civics and Politics, University of Mumbai was established in 1948 and has been conducting postgraduate courses in politics since then. In December 1995 when the Department organised a seminar on human rights the then Chairman of the National Human Rights Commission Justice Ranganath Mishra suggested that the department should start a programme in human rights education. This was taken up by the Board of Studies in Politics of the University of Mumbai. The post-graduate diploma course in Human Rights was introduced in the University of Mumbai during the academic year 1996-97.

The objectives of the post graduate course in human rights are:

1. to train citizens, create awareness among them about human rights and to promote more efficient exercise of the rights of citizenship
2. to train the police, the media and citizens;
3. to develop the ideology, attitudes and institutions to protect and promote the values of human rights
4. to create consciousness among the bureaucracy, police, paramilitary and military

The course consists of four papers namely :

Paper I Evolution, Philosophy and Theory of Human Rights
Paper II Human Rights in the Indian Context
Paper III Human Rights in the Global Context
Paper IV Dissertation based on field work

While determining the resource persons for the course care was taken to interact with representatives of non-governmental organisatins, academics, lawyers, senior judges and others. Accordingly, a panel of resource persons was prepared. Initially there was an acute shortage of instruction material for the course. In order to overcome this, linkages with British Council Library, the American Centre Library, the Centre for Education and

Documentation and a few non governmental organisations were developed. The university also gave special grants earmarked for this purpose. From 1997, the University Grants Commission has also been giving us a grant for purchasing books and journals and for extension work.

The department enjoys the status of a department of Special Assistance from the University Grants Commission. One of the thrust area approved under this is Human Rights.

The students of the course have a varied background as there are participants from the armed forces, the legal profession, engineers, teachers, activists and fresh graduates. Similarly, the faculty was also drawn from diverse fields such as retired judges and lawyers of eminence, academicians (from different disciplines) and activists. In order to enable professionals to enroll for this course the lectures are scheduled only on Saturday afternoons and Sundays and are located at a central place.

Since the objectives of the course are to sensitise and create awareness among the students, a conscious effort was made to use innovate teaching techniques, such as field trips, exhibitions, audio visual method, case studies, seminars etc. Similarly, we also organised a two day workshop on "Human Rights and Medical Ethics". This year we organised, under the auspices of UGC, a national seminar on "The Right to Development". Over 110 persons enrolled for the seminar.

The students are also provided with a substantial amount of course material culled from various sources by the resource persons.

Examinations for the diploma course were held in May 1997 and May 1998. Dissertations have been submitted on diverse areas such as human rights issues in the North-east, human rights and the armed forces, rights of women, children and AIDS patients. Since the data in several of these dissertations are based on the experience of the students, they provide a database and will enable

the department to develop as a Centre for Human Rights in the future.

The evaluation by the students of the course have been heart-warning. On the basis of our experience we have made certain changes in the syllabus. We have given more importance to the rights of the child (and especially the problem of child labour), the rights of women, and other underprivileged sections of society. We have also incorporated the rights to health and environment in the curriculum in the paper on Human Rights in the Indian Context. Similarly, in paper III (Human Rights in the Global order) we have incorporated the question of human rights and humanitarian law.

We hope to generate more course material as we do realise that as of now there is a dearth of material in this area. In view of this the department has started publishing relevant materials.

The most outstanding achievement has been that the students have formed an action group. They are now trying to promote the need for a State Human Rights Commission in Maharashtra.

Apart from this we have also included a paper on "Our Rights and their Implementation" for the students majoring in Political Science at the undergraduate level. Further, we have also drawn up a syllabus on Human Rights for the Second Year students.

Problems faced by the Teachers of Human Rights

It is important that we are able to honestly identify some of the major problems that we as human rights educators face.

1. While teaching human rights a number of dilemmas are likely to be faced. For instance: how does one teach respect for different views which is one of the most crucial aspect in a multicultural society like ours? Almost all religions treat women as inferior – how can one give them equal rights. How do we promote equality in an essentially hiearchical society. How is the right to disagree or dissent be promoted in a society which does not take kindly to this practice. We

need to examine some of the obstacles that we as educators have faced: When we are trying to educate those who are really in need of human rights education we have to recognise that they do make sense out of their terribly difficult life situations by means of the stories they tell and live by. Therefore, every attempt must be made to hear their life experience. For instance while discussing the rights of women it is not uncommon for a battered woman to ask "Why can't my husband beat me now, when he has been beating me all my life? Why now, all of a sudden, do you say that he can't?" Or when a person is convinced that he or she is inferior and hence does not even think it is correct to challenge injustice. The observer suddenly understands how near impossible it is to give advice to those whose life stories simply have no space within them where such advice can be assimilated. Those teaching human rights to marginalised persons quickly realises that the learners find the topic not just confusing and disturbing but also threatening because it disturbs the cocoon that they have built around themselves in order to shield the reality[12]. The serious problem with human rights education is that very often their perspective is a strictly moral one which in turn implies a historical, decontextualised ultra-rational and political and therefore often goes right over the heads of those whom it is meant to serve. In a good human rights program, human rights concepts will become those ideas that Bruno Bettleheim suggests help the student to get "his inner house into order, and on that basis be able to create order in his life"[13]. This in turn requires the involvement of the target group in the development of course materials.

2. A number of persons dismiss human rights as a western project. It is often held that it does not have any relevance in Asian countries whose tradition, culture and history is very different from that of the West. Therefore, the Western approach of emphasising on individual rights

is looked upon with scepticism.

3. Unfortunately, text books in many schools in different parts of the country reflect communal, casteist, regional and linguistic distortions as well as gender biases. Efforts at imparting proper human rights education to young and impressionable minds will fall if steps are not taken by the concerned authorities to remove these distortions from text-books. On this issue the National Council of Educational Research and Training (NCERT) has reviewed the text books to identify the various distortions and a source book was prepared for the teachers, the source book has been translated into Hindi and Urdu. The NCERT is also engaged in devising a National Curriculum Framework.

4. The resistance of people to various human rights issues stems from the vested interest that many of us harbour. For instance there is a constant tussle between the need to promote security and the rights of the terrorists/criminals. Encounter deaths has tremendous support primarily due to this fear. For instance even proponents of human rights tend to take a rather sympathetic view on torture of alleged criminals / terrorists in police stations. This is witnessed even in our popular media such as films or television serials. Counter violence is in fact applauded. One is likely to be confronted with some such arguments as : when there is so much turbulence and threat to national security in the country why indulge in such theoretical exercise. It is often a Herculean task to sensitise people at a time when life is becoming extremely difficult and fraught with dangers. In this context it is well recalling the following lines:

First they came for the Jews
And I did not speak out
Because I was not a Jew
Then they came for the communists
And I did not speak out

Because I was not a communist
Then they came for the trade unionists
And I did not speak out
Because I was not a trade Unionist
Then they came for me
And there was none left
To speak for me.

Peter Niemoeller (A victim of the Holocaust)

5. How to adapt human rights curricula to national and regional realities without undermining the universal character or internationalisation of human rights? This is a dilemma we face when we are discussing issues such as rights to culture or rights of the indigenous people.

6. Another major problem is the various contradictions and tensions within the rights discourse itself. For instance the art of maintaining the balance between the right to development, right to environment, right to health and right to culture is very crucial and yet a very difficult task. This is because as it has often been said all good rights do no necessarily go together. This is here that the sensitivity of the teachers need to be fine-tuned.

7. Though those teaching legal studies or political science have acquired some expertise on issues relating to human rights there is hardly any understanding among those teaching many other disciplines – particularly those in professional courses and natural sciences. Even among those teaching human rights there is a growing tendency to focus on the legal aspects alone. The case law method often fails to look at the dynamics behind the law. There is a tremendous dearth of course materials.

8. In the introduction of human rights education at school and college level one serious handicap is the non-availability of trained and suitable teachers. The NCERT on a request

made by the NHRC has prepared a source book. But unfortunately the focus of the study is on the UN covenant and our constitution but this approach is hardly adequate.

9. In the context of South Asia and other parts of the Third World, the problems of human rights education have colossal and complex dimensions. Here a vast majority of the people do not enjoy even the right to education, which is one of the primary human rights.

10. Another disturbing trend has been the appropriation of the human rights discourse by the groups which are among the worst violators of human rights. For instance the Indian Army has a cell on human rights and so does many of the para military bodies. Often they are now using the human rights language to violate the same. For instance very often they justify the need for encounter death on the basis that it violates the right of the law-abiding citizens to live in peace. This very sophisticated appropriation of progressive terminology has been witnessed at every level. For instance pre-selection of sex i.e. the deliberate effort to have only male child is positioned as the right of the women to have a child of her choice. This is despite the fact that it is yet another attempt to use technology to strengthen traditional prejudices. Tackling with such distortions is one of the major problems that the human rights educator faces.

11. Now that human rights have become a 'fashionable industry' with possibility of an international career, hence a lot of careerists have entered the scenario. This in turn has implied that while the number of individuals/NGOs claiming to be working in human rights has increased in most cases these intervention are extremely superficial. As a result there is tremendous scepticism among the people in general, and the marginalised people in particular, about any attempts to promote human rights. As educationists, it is very difficult to deal with this development.

Suggestions

On the basis of our experience as human rights educators I would like to suggest :

1. Human rights must be taught at all levels of education – primary or university/professional – as well as in out-of-school settings such as literacy and post literacy programmes or women's groups. Human Rights education should be not only intellectual or informative but also action – oriented. As R.M. Pal of Peoples Union for Civil Liberties (PUCL) has pointed out "What the NHRC is doing now – introducing human rights as a subject (just another subject) right from primary school continuing up to college and university level – will at best add to the growth of the mini-industry. Human rights education demand open and intelligent public discussion and also that it is wrong approach if some central body devises a syllabus and imposes it on a school/college system. Human rights education issues cannot be settled by any fiat from an authority from above"[14]. The attempts made by the NHRC to introduce human rights as a subject, though well intentioned is unlikely to succeed. Human rights can not be thrust upon any audience, captive or otherwise because that is a contradiction of terms. The methodology of education for human rights and democracy should be respectful of the rights of the learner and democratic in its organisation and functioning. Further apart from specialised courses efforts must be made to incorporate human rights in all discipline.

The teacher of language, arts and literature can use numerous settings in fiction and poetry that highlight the defence and violation of rights throughout the centuries. Teachers of science and mathematics can examine many facets of the continuing ethical problems faced by professionals when they are asked to engage in behaviour that violates the fundamental human rights of other citizens. For example, how should doctors behave when asked to participate in torture or to administer the death penalty? What are the ways in which statistics are used to disguise or mask the realities

of capital punishment, particularly as reported in the press. Similarly while teaching topics like genetic engineering the question of human rights can be easily incorporated. For instance the question of Human Gnome Project can be used to examine to what extent people's rights are violated – especially attempts to patent the genetic sequence of some of the aboriginals in new Papua Guinea as they posses some medicinal value. Medical experiments on human beings, organ transplants and the choice of recipients, doctor-patient relations, enlightened consent, professional secrecy obedience to illegitimate authority, participation in torture, are some of the issues that medical practitioners have to address.

Such examples are important topics that enliven the science and mathematics classroom, and which link classroom discourse to real-life social policy issues. At post-graduate level the concerned departments of political science and law in select universities should introduce a diploma course in human rights. Teaching human rights from the social science perspective should include issues such as development, peace and disarmament, education and specific topics of human rights violations e.g. apartheid, colonialism, terrorism, and poverty. Similarly the Bhopal gas tragedy could be used to highlight new challenges to human rights – especially the role of multinational corporations.

2. In this context it is worth noting that an effort must be made to re-read the present text books to eliminate the number of biases that are already built into it. For instance, the constant reference to mother as the home-maker or as the person who looks after the house and the father as the bread earner. Or the constant emphasis on the father as the head of the house hold sends out messages which the student internalises rather easily. Similarly, the various stereotypes and prejudices about people that creep into our text books need to be looked at very carefully.

3. As suggested by the UNESCO the concept of human rights should be formulated not only in traditional or classical terms, but should include the historical experience and contributions of all

people. In the case of India it is important that we are able to draw from our culture and tradition's examples that will help us analyse both human rights violations and valiant efforts to promote human dignity and integrity. This should be done not by glorifying the past as golden period but by identifying certain attempts made in the past to uphold central themes such as tolerance. I think it is crucial that our education system is able to trace the values in our own heritage, not by harping on some fictitious past when every thing was golden but by highlighting events or periods when such ideas did flourish or were at least respected. Simultaneously, efforts must be made to study Hinduism in the non-Brahmanical and non-Sanskritised tradition and a study of Islam or for that matter Christianity should be done according to the local reality. For instance attempts could be made to study Hinduism as reflected in the non-Sanskritised tradition and a study of Islam in the light of the local cult – the interaction of the Bhakti movement and Islam or the Sufi movement. Also, we should lay emphasis on a study of our own ancient philosophies and thoughts that rejected the caste system. A few random samples from Mahabharat (a very popular epic with all sections of the society) are: (I) the story of King Yayati who was a Kshatriya *(the warrior class, second to Brahmins in the caste hierarchy system)* but married a Brahmin (*the priestly caste, highest in the caste hierarchy system*) Devayani with the consent of her father Guru Shukracharya. (II) Vidura, one of the wise men and also described as the very incarnate of Dharma, was a son of a Shudra *(the lowest caste - the untouchables)* woman, (III) Rishi Vasishta was born of prostitute. (IV) Parashara was born of a Chandala *(beloing to the lowest caste)* woman. Bavisha Purana (one of the ancient epics of India) "All human beings have the same father and children of the same father cannot have different castes". Bharadvaja questions the racial theory of the origin of caste "We all seem to be affected by desire, anger, fear, sorrow, worry, hunger and labour; how do we have caste differences then?"[15] Similarly, the questions raised by Draupadi when her husband Yudishtara loses her during the

game of dice could easily be a starting point for discussing women's rights. Likewise, the Buddhist precept of non-discrimination on the basis of colour, sex or religion could easily be the starting point for discussions on equality. Further ancient democratic institutions such as the panchayati system which existed even before the coming of Western powers, could be used to argue that the political right to participate had the sanction of the people even in the ancient past. In this way the Asian demand that their cultural plurality should be respected would be able to identity with many of the values that human rights stand for. "In this way, the countries of the region would be forced to take a critical look at human rights in theory and practice and would be forced to analyse their traditions in light of the universal precepts ..."[16]. Unfortunately not much work has been done in this area – and whatever little work has been done tends to glorify and romanticise the past to prove that we do not have to learn from the West about human rights. "We must appreciate the fact that the highest appreciation of our past is to find out how it could generate in us the spirit of revolt against social injustice and human rights violations". As Lee Yearley points out conversion will presumably be potent if it is based on a listener's own tradition[17]. Such an internal critique is less vulnerable to an effort by insiders to deflect the critique by arguing that the critique is little more than a morally imperialist attempt by outsiders. As Daniel Bell suggests, if the final objectives is an universal arrangement based on extensively accepted human rights, the West must acknowledge that human rights have been growing perpetually and should appreciate the probability of a positive Asian contribution to this process[18]. No amount of universalist aspirations can cancel out the inevitable influence of cultural values and perceptions[19]. This does not however mean glorifying those aspects which clearly violate the main features of human rights discourse[20]. Similarly, the Asian countries should recognise that their cultural uniqueness should be used to enrich the human rights discourse and not to diminish it. It should also be recognised that as of now "(t)he non-universal relativist view of human rights is in fact a very state-

centred view and loses sight of the fact that human rights are human rights and not dependent on the fact that states, or groupings of states, may behave differently from each other so far as their politics, economic policy, and culture are concerned . Individuals everywhere want the same essential things: to have significant food and shelter; to be able to speak freely; to practice their own religion or to abstain from religious beliefs; to feel that their person is not threatened ... to know that they will not be tortured or detained without charges .. nothing in these aspirations .. is dependent upon culture, or religion, or stage of development"[21]. Further, as Pannikar points out "... these other world traditions should make room for themselves, since no one else is likely to make it for them. This is an urgent task; otherwise it will be likely to make it for them. This is an urgent task; otherwise it will be impossible for non-Western cultures to survive, let alone to offer viable alternatives or even a sensible complement"[22]. This celebration of plurality implies that, as John Rawls and Robert Mangabeira Unger point out, the students should be encouraged to see themselves in other's place. They should realise that how identities are constructed around different elements of their personality and in different contexts. This does not mean the individuals are forever limited by the tunnel vision of their upbringing.

4. Human rights education courses aimed at different groups need to be developed. For instance we need courses developed mainly for the formal education system. However, we also need to develop courses for other groups such as the community at large, professionals, marginalised sections etc. The courses for each of these groups should be designed keeping in mind their special characteristics. For instance our experience with the medical profession showed that they are more interested in issues such as right to a dignified death, rights of the doctors, right to medical treatment, the right to know the truth the right to second opinion, issues of malpractices in the medical profession such as the cut practice rather than conventional human rights discourse such as international characters or covenants. Though the

conventional techniques are important in order to make the idea acceptable it is important that courses are tailored to meet the basic requirement. However, as of now there is an acute shortage of such pedagogical development. Efforts need to be made to address such specialised requirement. The groups that need to be addressed to immediately are the policemen (in view of the increased cases of encounter deaths, custodial death and torture, administrators (in view of the fact that number of violation of human rights are structural in nature), doctors (especially since they very often play crucial role in various forms of violence including torture and also in caring for torture victims, their role in capital punishment, lawyers and judicial authorities (as very often they are not even aware of the various international conventions and characters which they are supposed to incorporate). Of course, such courses need to be developed for the scientists in view of the new developments in the scientific and technological fields. All of this needs to be done immediately if any results have to be achieved. All this also implies that scholars should be consistently motivated to conduct research in this crucial area.

5. Keeping in view of the Indian conditions emphasis should be on the rights of the most vulnerable groups particularly discrimination and denial of basic rights such as women, child, bonded labour, the so called untouchables and others suffering with discrimination and / or disabilities of one kind or the other. There can be no such thing as a "Universal" text book in human rights. It is for the teachers in various countries to decide, keeping in view the interest and background of their pupils or students, the methods and contents of human rights teaching. A teacher may take up as a starting point some real problems experienced by a community and then draw instances of observance of human rights or their denial. Special efforts must be made to promote research in these areas and economic rights such as right to public services, right to food security and the like. These generation of rights are especially relevant to third world countries like India where these rights are violated with impunity. Further since these rights are

being promoted mainly by developing countries they are obliged to conduct research in this area.

6. While emphasising the universality of human rights proclaimed in the UN Charter and principal international instruments (e.g. UDHR) human rights curricula should be adapted to national and regional realities.

7. To make human rights education a reality it is essential that adequate development of teaching material is generated. This is specially important because as Upenda Baxi pointed out "the cognitive framework and style of the old human rights pedagogy and research has been under considerable challenges". This is due to a spate of developments bearing upon the nature of ideas and dimensions of human rights. To achieve a more satisfactory mode of dissemination, one of the fundamental steps that goes a long way is perhaps preparation of a comprehensive resource guide indicating the up-to date and cumulative bibliographic information and the mode of accessibility. There should at least be one centre in each region in India to act as a documentation unit and to act an as clearing house for information and research. Such a unit should develop links with various NGOs working in various areas of human rights and thus build a network among them as well. This becomes essential because many of these outfits maintain the types of material the conventional libraries do not collect. It is important that efforts are made to develop easy to use print, audio and visual course materials. Equally important is the need to disseminate such information. Today, we are facing this lacunae. For instance many of us in this field are not even aware that two human rights journal which focuses on Indian conditions are being published – by Central University, Hyderabad and by Human Rights Institute in Nagpur. Similarly, many of us may not know that Teaching Human Rights on Line (THRO) is available, free of cost, on internet. Therefore, it is crucial that some kind of a network is launched. Of course this may not necessarily be an easy task but it is a crucial one. UNESCO endeavours to ensure better coordination of the work of those institutions specialised in human

rights teaching and research through the publication of the World Directory of Human Rights Research and Teaching Institutes. This effort need to be strengthened. Perhaps the UNESCO chair in the Asian region should take the lead in development of Asian Human Rights protection system. The first step in that direction would be the development of SAARC human rights protection system for South Asia.

8. Closely connected with the above argument is the need to develop materials in the local languages.

9. All these require training the trainers. This is crucial because as of now the teachers are product of a society which has not really internalised human rights norms and hence are quite likely to be unconsciously or otherwise not aware of the biases in them. Therefore, it is important that before any course is introduced the teachers are trained. This is particularly so because human rights education expects the unique combination of mind of a dissident and the soul of a prophet[23].

Conclusion

Human rights education programme is not so much a question of making the students memorise the various texts, covenants or conventions. It is a question of promoting the right attitude of mind. We can do more than merely help our students understand the issues involved. We can also help them to develop values that are rooted in a human conception of justice and equality. Therefore, human rights education should be as pointed out in WPA ".. participatory and operational, creative, innovative and empowering at all levels of civil society". The dialectical project of human rights education must find a delicate balance between critique and faith, between hope and despair.

The vision of this decade should be to make every individual human rights literate. Here it is very important that this should be an ongoing effort and not one where sporadic attempts are made

just because we are celebrating the fiftieth year of UDHR or some other landmark. With the help of committed educators, individual activists, and NGOs we can succeed in elevating human rights education to a priority on the national and international level. The commitment of states to human rights education indicates the political will to build a sustainable democratic society. The quality of human rights education is itself a manifestation of such a will for now and for the future. The initiatives of states in this field provide a basis for assessment. Human rights education in India should emphasise on the rights of the weaker sections of the society. We need to develop different techniques to teach human rights as the traditional lecture method is unlikely to succeed. Perhaps case method, simulation techniques, Socratic method, street plays, should be developed. In fact the key word should be flexibility all in all, throughout their lives these people are marginalised and forced to live through experiences that seems to have no relationship whatsoever to such a concept of human rights. They must be taught to understand and defend those rights supposedly vouchsafed to them by various constitutions, as well as how to mainstream sectors of society. Similarly human rights education must concentrate on sensitising those in position of power to exercise their power with restraint and to respect those who are weaker. Therefore, as the logo promoting human rights in the year - we are celebrating the fiftieth year of the declaration - says only then will "all rights for all" will be a reality.

It is appropriate to point out, as the UGC IX Plan approach paper does, "human rights is an extremely expanding field. These are bound to get enriched in content and extent with growing enlightenment in human society. Curriculum development in human rights has, therefore, to be continuous exercise ..."[24].

References

1 *When we are discussing human rights we need to be clear that this could be done either through formal educational institutions or through informal techniques. Very often the two have to be discussed simultaneously since education has to deal with both depending upon the target group. When we are dealing with the marginalised sections we are probable dealing more with informal techniques and other would be to inculcate in the student through a well structured scheme. Though the two are not and cannot be treated as identical we need to remember that very often the prejudices are so strong that the major problems faced are similar. Unless otherwise stated some of the problems highlighted are applicable to both.*

2 *This part of the paper is based on Ely-Yamin, Alicia, "Empowering visions : towards a Dialectical Pedagogy of Human Rights", Human Rights Quarterly, volume 15 No. 4, November 1993.*

3 *Ibid.,*

4 *Ibid., pp. 651-652*

5 *Ibid, p. 659*

6 *Ibid, p. 661*

7 *Ibid.,*

8 *Ibid.,*

9 *Para 3.4 of "UGC IXth Plan Approach to Promotion of Human Rights Education in Universities and Colleges", as reproduced in IOS Bulletin Human Rights Today, Vol 1 No. 2 December 1998, p 16.*

10 *Para 3.5 of "UGC IXth Plan Approach to Promotion of Human Rights Education in Universities and Colleges", Ibid., p.16*

11 *The following details are mainly taken from the Status Report prepared by the Department of Civics and politics.*

12 *Holand, Tracey, "Human Rights Education for Street and Working Children:Principles and Practice", Human Rights Quaterly, Vol 20 No. 1 February 1998, p.178.*

13 *Ibid., p 192*

14 *Pal, R.M. "A note on Human Rights Education – Need, Scope, Strategies", PUCL Bulletin, April 1997, p.9*

15 *Ibid.,*

16 *Coomarswamy, Radhika, "Human rights research and education – an Asian perspective", in the Teaching of Human Rights, UNESCO, Paris, 1978, p.232.*

17 *Perry, Michael J., "Are human rights universal? The relativist challenge and related matters", Human Rights Quarterly, Vol 19 No 3 August 1997, p. 493.*

18 *Bell, "The East Asian Challenge to Human Rights: Dialogue on an East West Dialogue", Human Rights Quarterly, Vol 18 Vol 3, August 1996, p.p 667.*

19 *For instance as Philip Alston points out "the best interests of the child" standard under the Convention on the Rights of the Child might be interpreted in highly industrialised countries to mean "... autonomy and individuality to the greatest possible extent. In more traditional societies, the links to family and the local community might be considered to be of paramount importance and the principle that "the best interests of the child" shall prevail will therefore be interpreted as requiring the sublimation of the individual child's' preference to the interests to the interests of the family or even the extended family." Perry, Michael.J., Op. Cit., p 504.*

20 *For instance in the case of the Convention on the Rights of the Child while it is possible to let each community decide on the issues like definition of childhood and the age of majority, it would violate the spirit of the convention if communities were permitted to discriminate against a girl child in the name of culture or religious practices. Therefore it is very crucial to determine the limits within which cultural differences can play an important role.*

21 *Higgins, Rosalyn, "Problems and Process: International law and How We Use It", as reproduced in Steiner, Henry J., and Alston, Philip, International Human Rights in Context Law, Politics, Morals, Clarendon Press, Oxford, 1996 Reprint, pp 219-220.*

22 *Pannikar, "Is the Notion of Human Rights A Western Concept"? as reproduced in Steiner, Henry J., and Alston, Philip, Op.Cit., p 209.*

23 *Ely-Yamin, Alicia, Op. Cit.p.*

24 *"UGC IXth Plan Approach to Promotion of Human Rights Education in Universities and Colleges", Op.Cit., p 17.*

3

The Philosophy and Science of Human Rights

Murzban Jal

I

To talk of education of human rights in the closing moments of the 20th century, it is necessary to chalk out a programme that produces a philosophy and science of human rights. This philosophy and science has to be a concrete science : it has to be functional and practical.

It works on the principle of concrete analysis of concrete conditions. These concrete rights have to emerge from specific conditions. There can be no blanket laws based on abstract universals. Every culture has its own destiny. But these destinies are open - they open themselves to the world and in the process are involved in the practice of communication.

Chiefly, the philosophy and science of human rights explores the functioning of societies, the nature of governments, the state of their economies, education and judicial processes. In doing so it proceeds into the analysis of human behaviour. It asks: why does contemporary humanity choose to be violent and how can violence be transcended for a universal humanity based on international solidarity?

Studies on human rights shall henceforth open these two disciplines :

(1) the philosophy of human rights which we call, the genealogy of alienation , and

(2) the science of human rights which can be placed under the discipline of historical conflict studies.

The philosophy of human rights now under the auspices of the genealogy of alienation questions why communities are alienated from one another and how the state is alienated from civil society. It studies the logic of alienation, splitting and conflicting processes. It asks: do civilizations clash with one another ? To claim to resolve these conflicts whereby the equal and inalienable human rights could be acquired, the genealogy of alienation postulates the concept of the human essence. The philosophy of the human essence shall render possible the realization of the Universal Declaration of Human Rights whereby all citizens of the world shall feel themselves to be members of the human family. The human essence understands humanity in its totality. It preserves as well as transcends national and cultural differences. The German idealist philosopher had called this an Aufhebung. Aufhebung implies transcendence, supersession, sublimation. Chiefly it has three meanings: (1) to rise up, and in rising up it (2) preserves and (3) abolishes.

Thus the human essence unifies and transcends all cultural differences. When the philosophy of the human essence is propounded, civilizations and cultures get involved in a process of dialogue with one another to create a truly emancipatory global community. These dialogues or dialogical discourses shall be based on communicative action. With the articulation of the philosophy of the human essence, communities shall no longer be endogamous closed communities but open communities. They shall open themselves to the world. Henceforth the world as a whole shall be the theater for human action. History becomes World History. Recalling Hegel : the universal has to have the particular within it. Thus World History shall not be a mere history of technologically superior nations of the North Bloc that attempt to impose their will on the world. Asia, Africa, Latin America shall all participate in this World History, but

not as enslaved nations. Their histories will emerge from their own people and cultures.

Likewise the rights of the people of Asia Pacific shall have to be embedded in the lifestyles of their own people. Systems of peace, democracy and justice shall have to grow from the local social, economic and cultural conditions. Once the parameters of the actual conditions are outlined the science of human rights can follow.

The science of human rights analyses the mechanisms of social and cultural conflicts. It describes, analyses and predicts these conflicts. It locates regions, social groups and individuals that are susceptible to these conflicts. It researches into the role of state and civil society in either the progression of human rights or their violation. Whilst philosophy poses questions on cultural alienation, science gives empirical answers to these.

The combination of philosophy and science shall now present the mechanisms of violation of human rights and the possible acquirement of these rights. This combination shall discover the sites of diminution and emancipation.

II

If Hegal thought that conflicts are world conflicts in today's language one can put it as global conflicts. The sites outlined here shall be the sites located at this global level.

These are two sites discovered in understanding the dynamics of human rights:

(1) Site of political economy where surplus production produces violence. This is a truth that runs from Marx to Freud and Foucault.

Surplus production is based on the unequal ownership of global resources and unequal distribution of wealth. Unequal ownership system commands human resources globally. This generates unequal rights which are however concealed behind

the veil of universal equality. Rights proclaimed will be the rights of the producers of surplus and based on western ethnocentric perspectives of the social class behind these surplus products.

Surplus production operates according to the law of transgression. It transgresses national and social boundaries. To put it in a nutshell, human productive forces have gone beyond the structure of society. This 'going beyond' or 'transcendence' creates sites for domination and the consequent infrastructure for violence.

This is the specific site of violation of human rights: surplus production transgresses the human landscape into the anti-humanist space of enslavement and domination. Contrary to article 1 of the Universal Declaration of Human Rights which state that all human beings "are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" we have broken down islands of humanity who live in the spirit of hostility and not solidarity.

For in this paradigm : relations between people is converted into a relation between "things". Thus people do not count but "things" - how much economic wealth one has, how much land one owns, how much of nuclear armament a nation has, etc. Society is not understood in terms of its people and culture, but in terms of "things" that it possesses. Thus we have two terrains:

(1) people, and (2) alienated "things".

With this technology of alienation, surplus production now monopolizes and colonizes human existence. Thus we have the equation :

Uncontrolled the surplus people production	=	general landscape of anti-humanism	=	violation of rights of

(2) Site of Social - psychology. Like the site of surplus production, this site presents the production of surplus energies. It poses the questions : why do people give consent to violence and tyranny ? How does the state and civil society create situations of violation of human rights?

We call this the ideologies of surplus (at the macro level) and the psychology of surplus (at the micro level). The surplus cannot be contained by the human metabolism (at an individual psychology level and at the collective social level).

Thus the sectors where people meet and where societies and communities intersect involve not communicative action but alienated violent acts. For example, since the late 1980s, fundamentalism has manifested itself in India in a dominant form leading to traumatic violence in the early 1990s, repeated again in different forms and in different regions just recently.

The science of human rights will locate the sectors of intersection and deconstructs the molecular forms of violence in its cell form.

Philosophers, scientists and activists imparting the education of human rights in the Asia Pacific Region shall have to consider the Frankfurt School's difference between (1) critical reason , which is objective and seeks human freedom, and (2) instrumental reason which calculates, controls and dominates. Whilst critical reason seeks knowledge, instrumental reason seeks power. It recalls the philosopher Frederick Nietzche's dictum where one seeks not the will to knowledge but the will to power. This will to power recreates the production of hostile and warring communities.

To move from hostility to peace from instrumental manipulability of critique one has merely to move from ideology of philosophy. In this movement, dialogical discourses between various nations and cultures would be rendered possible. Cultural differences would be both understood and respected. As the philosophy of postmodernism would claim : "differences shall relate".

RHF-120
06732

4

Hermeneutics and Education for Human Rights

In-Suk Cha

The need for an education for human rights

As more and more nations of the world are adapting democratic forms of government, we have come to realize how crucial the role of human rights is to the nature of democracy and to its growth and maintenance. If democracy strives to be synonymous with equity, it cannot be said to exist in totality wherever human rights are permitted to be abused. When, however, human rights are abused and those whose rights are being abused or others acting on their behalf have access to the institutions and the procedures of a democratic government to end the abuse and address the wrongs incurred, then democracy might be said to prevail.

Most of the democracies of the world, including those which have been long established, proclaimed themselves to be democracies and upholders of the rights of all, long before they were anywhere near even recognizing the rights of all. It has only been fifty years since the first declaration of universal human rights and since that time our notion of the definition of human rights has continued to expand. With that expansion has come the realization that democracies must have a citizenry educated not only with a notion of what human rights are, but also educated to a sense of responsibility for what they can do to promote them, safeguard them, and end abuse where it

exists. The best combination for the safeguarding of human rights is a responsible civil society which is partner with a stable State, both working to contain the conflicts that are inherent in plurality. When States are not stable or responsive to human rights, civil society must often take some difficult risks if it is to fulfill its responsibility in safeguarding human rights. A civil society's responsibility for the safeguarding of human rights in our global world now reaches far beyond the boundaries of its own nation state and an educated citizenry must be aware of that.

Conscientization for awareness and responsibility

The foremost objective of an education for human rights is concientization. First, those whose rights are being denied need to be conscientized to the fact that this is so if they are not aware. Second, those who enjoy their human rights must also be conscientized to the awareness that those rights belong to all, that they are not the products of luck or privilege. There are some who would argue that I have got my numbering wrong here, that those who enjoy their human rights must be the first ones to be educated in order for them to assist those whose rights are denied, particularly if the situation is so dire and desperate that those in need cannot help themselves and, indeed, may not even have the spirit enough, because of their circumstances, to know that they have rights. It is an objection well taken, for the history of human rights belongs as much to those who fought or advocated for the rights of others as it does to those whose rights were denied. And the responsibility for securing human rights for all most certainly belongs to those who can exercise their rights more than it does to those who cannot. The nature of any education for human rights must be such that it awakens and nurtures that responsibility. The question becomes: how to achieve these objectives through education?

The development of tolerance

Another necessary objective in an education for human rights is the development of tolerance for differences. The notion of education for human rights presupposes that there is both sameness and plurality that characterises human beings. The sameness is our very humanity, our humanness, if you will, and plurality exist in the myriad ways we express our common coexistence. All human beings are societal and all develop, through living in their societies, a network of meanings about themselves and their world that they express in their daily actions and thoughts. As each person's life environment is unique to that person, so the intricate web of meanings each develops is different from those of others. True, we all have a shared humanity simply because the processes of development are similar. Nonetheless, the network of meanings is different for each person precisely because there is no way any human being can have exactly the same experiences as another. It is genetically, and environmentally impossible. Tolerance of expressions which seem very different or contrary to our own is required if we are to respect the human rights of others. Just as we asked how do we teach awareness and responsibility, we must ask, how do we develop or teach tolerance?

The role of family and community

One might imagine that because members of a family usually learn to be tolerant of each other's differences, and to respect the rights of one another, at least as they perceive those rights to exist, that such learning would transfer itself to the community and to the world at large. But, this is not always what happens. The individual from a loving and responsible family who grows up in it with a healthy sense of his/her self worth will, in most societies, be more disposed toward recognising the universality of human rights, but that will certainly not happen unless the community and society in general

also recognise the universality of human rights. Moreover, we know that no matter how kind and sheltering one's family is and how loved one is in it, the sense of self nurtured there is shattered if it is denied outside of the family. Immediate family, and the early and formative years spent there are crucial to the life of any individual but community and society are also crucial. This is why societies always set up some method of schooling outside the home in which children are to learn how to think about the world and how to act and interact in it. This is why governments, either very generally and loosely, or very specifically and strictly, mandate what is to be taught in the schools of their respective nations. Recognising the tremendous role schools play in socialising our young, we are wise to suggest that they are one of the most prime institutions in which to concentrate on education for human rights. The question again is: how ?

Hermeneutics : a guide to the nature of understanding

Fortunately we live in a time when how we come to understand and what understanding means has been, and is being, rigorously examined from a number of disciplines, each employing and expanding upon insights provided by the philosophical concept, hermeneutics. Hermeneutics, which derives from the Greek, hermeneuro, meaning 'to interpret or translate," began to change and gain significance long before its present employment as a concept to explain the nature understanding in the humanities, sciences, including those dealing with artificial intelligence, and social sciences. Since the late 19th century, every major school of philosophy, except the logical positivists, have found occasion to use and expand upon the concept. It is almost a dictum that 'whenever there is need for rules and systems for explaining or understanding, there you will find hermeneutics.'

From hermeneutics we have gleaned tremendous insights into

learning and knowledge. We know, for example, that human beings learn in a variety of ways, all of which require some level of engagement with what is to be learned. In fact, engagement is the key to assigning meaning to what is being learned. Engagement involves interpreting, and interpreting is always active rather than passive. In order to interpret anything, one must interact with it, engage the self with it. And from this interpretation comes meaning and understanding. What something means to us and how we understand it is more subjective than objective. Nonetheless, the range of our interpretations are determined by the reality of the text, object, person or situation we are interpreting.

Human life, its expression and our interpretation of it: the hermeneutic formula for understanding

That we are able to engage in our own understanding is a function of our humanity. When we engage with texts written by others, with others themselves or with any aspect of human society or culture, we are interpreting the objectification of human life which emanates from the web of meanings developed in each human being and which each human being expresses. Human life is what we are interpreting, and human life is what we are. All human beings objectify that life. What is more, each of us is capable of understanding the expressions of other human beings simply because we are all human. I am capable of understanding the inner life of another person because I too am a person. Though I must use reason, intuition, imagination or even deep self- introspection to understand another, these are not the reasons why I am able to understand that person. I understand another human being because I too am human, and the web of meanings in me is inherently analogous to the web of meanings in every other human being.

Lest this argument be construed as simply a way of saying that 'other' is but a copy, inferior or superior, of myself, let me

emphasise that I am speaking about understanding another through interpreting a life expression that may be vastly different from my own but which I am capable of imagining. Human beings are not all alike, but they are all structured to objectify certain elemental meanings. It goes without saying that humans objectify life in the way they are socialised to do so by their cultures through basic forms of coexistence.

No matter how these basic forms of co-existence are manifest, they remain intrinsically the same in every culture. Human beings love and hate one another, they work and play together. These four elements of human coexistence are bound in cultures and individuals in the most complex and intricate of expressions. Human life is expressed in these forms in multiple ways. Each human being engages and interacts with life expressions and, in interpreting them, comes to many layered understandings. We can well recognise some of those understandings: love can disclose to humans the meaning of unity and peace, hatred, that of violence and destruction. Work can reveal the magnitude of their potentialities, play, the value of comradeship. We relate to the world in terms of the meanings we obtain through these areas of expression in our societal lives. In the best of all worlds, we learn how to collaborate through work and play and in the best of all worlds, we learn to value co-operation and to realise our highest potential.

The four basic forms of coexistence that I have noted here are skeletal. But in them, one may find the various manifestation of human life expressed in societal living. Social institutions, art, aesthetics, and spiritual or religious manifestation, for example, may be categorized under one or the other or in combinations of the basic forms. Other disciplines, especially the social anthropologists, have elaborated on the basic forms and use a somewhat different categorizing system. The way in which the basic forms of coexistence are categorized is of little matter. What is important here is that the objectifications of our humanity, as they manifest themselves

in our daily lives and in our interactions with one another, can be examined and studied in the service of human rights through our understanding of each other as fellow human beings.

Hermeneutics and transculturation

Having posited that the objectifications which make up our societies and our interactions with one another emanate from nothing less than our shared humanness, hermeneutics then opens to other principles which guide us in our understanding and study of those objectifications. The first of these is that we are never separate from what we study. We come to all texts, interactions with others, and situations with an innate pre-knowledge at the most basic levels: our shared humanity and the way in which we manifest that humanity in the same realms of coexistence. It is because of this that ideas, values, and customs translate from one culture to another resulting in changes in the communally lived and expressed patterns of meaning in one of the cultures involved and, usually, in all. This dynamic phenomenon of transculturation has occurred in many ways over the history of human kind and continues to do so at a far more rapid rate since the development and proliferation of media technology.

As with one human being's ability to understand another because of our shared humanity, so transculturation takes place because of the shared human forms of communal interaction. Think for a moment of the ways in which marriages are conducted in different cultures, or think of the different funeral practices we might find among the different cultures represented at this conference. Within all of our cultures, these practices have undergone many changes over thousands of years. The forms of expression change, the elements of humanity which propel them do not. The forms of expression are myriad, but, for the most part, we understand the forms they take immediately when we encounter them in other cultures. When one culture finds practices of another to be more suitable than

its own, it absorbs or incorporates those practices into its own expressions of communal interaction. The absorbed practice or idea takes on the stamp of the translating culture and is clearly distinguishable from the practice of the other.

The same sort of transculturation which takes place when cultures interact in various contexts also takes place in the study of texts. Indeed, it was for the interpretation of biblical and sacred texts that hermeneutics came into being . Hermeneutics regards texts as a means for transmitting experience, beliefs and judgments from one subject or community to another. Hermeneutic understanding of all texts and contexts presupposes that a basic understanding or definition already resides in those who seek to understand. This pre-understanding of the text itself in terms of shared humanity leads to the notion of the hermeneutic circle in which we understand the part because of our understanding of the whole, and our understanding of the whole is expanded because we come to understand the part. Such circularity also enables us to distinguish between our background knowledge and knowledge of the text.

The historian, for example, comes to any historical document immersed in his/her own historicity and should be aware of that. What the historian wants is to understand the past from the point of view of the past but, to do this, the historian must be very aware of the knowledge and insights his/her own time provides. Only with this self-understanding can the historian reconstruct the past, though simply to reconstruct the past would not enlarge his/her meaning gestalt. That meaning and understanding come about from a fusing of perspectives, or, fusion of horizons, as it is called in hermeneutics. That fusion would allow the historian to engage in a dialogue with the ideas and traditions of the text as a way of understanding the issues which engaged the past and which engage us in the present. Certainly this is what we do, for example, when we try to understand the issues of human rights

in 18th century Europe or 18th century China. We find the issues located in the contexts of the rhetoric, language, institutions and mores of both places and we understand that these determined how the issues were understood. Hermeneutics thus provides the means to communicate not only across the borders of rhetoric and experiences but across the borders of time as well.

Hermeneutic implications for implementing human rights education in schools

Hermeneutic interpretation brings about an understanding that is deep and, because the individual interpreter is engaged and involved in his/her own learning, it is precisely the kind of understanding which comprises concientization. How can students become involved in their own learning and engaged in the act of interpreting? Hermeneutics would have it that engagement occurs when we are involved with the webs of meanings which make up our shared humanity. The web of meanings we each develop in ourselves as human beings comprise our individual stories of self. This notion that each self develops a story of his/her life has led to what has been called the narrative approach to understanding. The narrative approach seeks a comprehensive understanding of human experience in the light of story telling. Because each human being has a story, we respond to the story of others with the humanity of ourselves. We become involved in narrative because it most accurately mirrors the way in which our own web of meanings are played out. If we know others through narrative, then it is better, if we are to truly know them, then we listen to the stories they have constructed. If we do not listen to their stories then we inevitably create their stories for them out of our own. Hermeneutic understanding is based on the involvement of oneself with the self of another, with the reconstruction or interpretation of one's story by another.

Conscientization for human rights also requires involvement of self in the understanding of others. If we are to understand others, then we need to know their stories, their lives, as they tell them. Educators, concerned with enabling students to understand the lives of others through their own stories and the language they use to tell them insist that literature and stories of other cultures be part of any curriculum for human rights. Through relating to the stories of others, students develop a critical tool, their narrative imagination, through which they learn empathy.

If we would understand the culture of others, if we would develop an understanding of differences and a tolerance for thern, we can do no better than by knowing the stories of another culture as they are told in that culture. Stories and literature are always used by societies to socialize civic society and they therefore reveal much about the values of a given society. The stories or narratives of any society studied should be authentic and plural. They should contain the voices of dissent and difference that exist in every society.

Hermeneutics also implies that the understanding students gain from their encounters with narrative must be their own. Teachers are to enable students to discuss, and question and to assist them in arriving at reconstruction of stories and in interpreting them through critical thinking and the application of principles of evaluation. But students must engage in the process themselves. They cannot do this if they are told what to think or if they are given an interpretation of another.

By the same token, hermeneutics is to be employed in students' interpretation and understanding of their own culture. They must listen to the voices of plurality and of dissent within it. Again, those voices should be authentic, not predigested interpretations. Conscientization for awareness and responsibility and awareness and toleration of difference come only when we connect with one another. And connection is

active, it is experiential in nature. In studying the cultures of others, hermeneutics would also mandate that we know the other's historicity as well as our own. Cultures have pasts as well as presents and a static curriculum which spoons out knowledge often ignores that.

It is this plurality of views, especially those of protest and dissent, within every culture which will enable our students to understand the universality of human rights. An in-depth understanding of other cultures in terms of the way in which those cultures manifest now, and have manifested in their histories, the objectifications of the humanity we all share will engender an understanding and tolerance of differences. Intolerance and prejudice are usually the result of ignorance and alienation so an understanding of the way in which differences have been formed and their meaning to those connected with them becomes an important spur to toleration.

In short, a hermeneutic inspired curriculum would contain the exercise of narrative imagination, the use of authentic material, discussion, and critical thinking. It would contain several in-depth studies of other cultures. These cultures and the students' own would be examined in light of adherence to certain principles regarding human rights. Students would also gain practice in acting on their understanding of human rights and exercising their responsibility. This might be done through simulation of a situation or, as is being done more and more often, with a real situation. I think here of a newspaper item I read the other day which told of a class of 5th or 6th graders in a mid-western American school who read about children being stolen ftom their homes and sold into slavery in another country. They investigated through writing to an NGO group working in that culture and found that such children could be ransomed and returned to their homes. The class of students set about ransoming some children. They then set about publicizing the children's plight having as their aim finding a way to get help in stopping the practice. This is experiential education and it is a

fine example of the conscientization process. We learn about others from listening to the voices of others and interacting with them through their stories. We learn about human rights by actively becoming involved in our knowledge and interpretation of them in our own lives and in the lives of others.

Critics of this kind of experiential learning often point out that it is impossible to know multiple cultures in depth and that students will therefore not be able to make judgments about human rights in cultures about which they know nothing, nor can they be moved to care about violations of human rights if they know nothing about the culture in which they are taking place. The answer to these arguments is that students can, throughout their school years, actually study a fair number of cultures in depth and broaden their perspective on differences dramatically. They also come to truly understand that human rights are universal and they are capable of recognizing their violation without intimately knowing the culture in which it is taking place. Even young children are capable of this. When we exercise our responsibility regarding human rights violations, then we may learn more about the context in which they are taking place in order to be more effectively responsible. But a sense of responsibility toward all humankind is developed only when we are able to understand that difference and plurality are in the nature of humanity. We come to understand that through experiential learning which engages our imagination and our critical thinking skills in the act of interpreting.

The Korean Education system and experiential learning

It is generally agreed that experiential learning is not much present in Korean education. Several reasons are offered for this. The university entrance examinations usually require that students compete on the basis of their ability to recall information. Korean students spend much of their school years,

both in and out of the classroom, in preparing for those tests. As a result, their superiority in amassing and recalling information is legendary. Critics rightly point out that Korean students are ill-prepared in social problem solving and the imagination required for constructing their own knowledge.

Another cause for the lack of experiential learning in the schools, particularly that which would lead to conscientization in human rights, is considered to rest in the fact that, since the end of the Korean war to 1993, Korea was governed by dictatorial governments and human rights abuse was pervasive. Emphasis in education was placed on building the economy more than on anything else. It is known that the more democratization a nation has achieved the more inclined it is to employ its educational system in the service of building a strong civil society, primed in its responsibility to human rights. If experiential learning can be used to foster independent thinking and responsibility to others and rote and slogan learning more readily perpetuate dependency and lack of concern for others, then rote learning will carry the day in a dictatorial system. That is what happened in Korea.

Educational reforms since 1993

Much of the work of Ministry of Education since the first elected civil govermnent appeared in 1993 has centered on making the school systems more amenable to the country's economic development. Creating top notch vocational schools and technological development, and forming liaisons with industry and schools have had top priority in educational planning. Much attention has also been paid to opening the path for more meaningful curriculum and methodology through dismantling the university entrance examination culture. The dismantling has been paced to allow universities to work out the inclusion of other factors of selection such as extra-curricular and community involvement activities. There have also been measures taken to change the status of universities so that the

merits of a greater number of them can be taken into consideration.

The present Korean government, inaugurated in February of 1998, is adamant that there be a "parallel development of democracy and a free market economy." To meet all of the priorities set by this government, especially those of participatory democracy and social justice, universal globalism, and the making of a creative and knowledge-based country, even more emphasis is to be placed on education reform. Significantly, the president is on record as vowing to carry out drastic educational reforms to relieve students of the stress of narrow and rigorous study aimed only at gaining entrance into the nation's leading schools' and he announced that a new reformed curriculum is to be in place by the 2002. The new curriculum and the methodologies will include, he said, more 'experiential learning' and will pay attention to "cultivating morality as well as intelligence." It may well be that Korea has finally reached a point in its democratization efforts whereby it can develop a meaningful education for human rights.

5

Human Rights Education

Nirmala Pandit

The idea of Human Rights is not of recent origin. In fact, this notion is as old as civilization itself. Human Rights are the rights of human beings. However, human rights have gained universal recognition, only after the second world war. The atrocities that were committed by Nazi Germany against its opponents all over Europe shocked the entire world community. People all over the world felt the urgent need to create a common world forum and it led to the emergence of the United Nations Organization. One of the objectives of this Organization is to "Promote and encourage respect for human rights and for fundamental freedoms for all without distinction of race, sex, language or religion.

The members of UN have reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person connoting equal rights for men and women. Therefore, in 1948, with the proclamation of the Universal Declaration of Human Rights, a common standard of Human Rights was laid down as a guideline for the member States of the UN. The thirty articles of the Declaration specifically list the universal human rights to be achieved, realized and enjoyed by the people. It includes civil and political rights such as the right to life and liberty, freedom from torture and cruel and degrading treatment of the accused, right to equal protection of the law, freedom from arbitrary arrest and detention, a fair and public trial by an independent and impartial tribunal, right

to privacy, freedom of movement and residence, right to nationality, etc. It also includes the economic, social and cultural rights; right to marry and found a family, right to own property, right to religion, freedom of opinion, free choice of development, just and fair remuneration, right to rest and leisure, right to adequate standard of living, right to education, and freedom to participate in the cultural life of the community. It also mentions the duties which are binding on all people. It accepts the limitations on the rights of individuals to the extent of respecting similar rights and freedom of others.

This international document has been signed by almost all the countries of the world. Many have in fact incorporated these rights in their newly drafted constitutions. In India we have many of these rights included in part III & IV of our constitution in the form of fundamental rights and directive principles of state policy.

During the last fifty years the provisions of the Universal Declaration of Human Rights have come to be accepted as the basic standard of human rights which have to be achieved by all the countries for their people, without any distinction of political ideology, cultural traditions, religious differences, social conditions and economic constraints. The declaration has in fact laid down the foundation of further development of various norms of human rights.

For all human beings these rights become real only when they can exercise and enjoy them and can live life with dignity. To them human rights are inherent, inalienable and universal in nature. These rights to become real must be recognized by the State and their protection and enforcement must be guaranteed through the State machinery.

What this means is that there are two main actors involved in the realization of human rights; the people and the State machinery. People can enjoy their rights if they are aware of them and know how to exercise and claim protection against

their violations. Till recent times significant numbers of people in independent India lived under bondage either as child bondage, marriage bondage or debt bondage known as *vetti, Bigar, Bandhua, holya, kundith, mundit, sagri* or a more recent form of bondage, experienced by migrant workers and contract labourers. Unless they are aware of their rights to be free from such bondage they would continue to live as lesser human beings, whose life is worse than that of lower animals and who have no control over their body and the product of their labour. In the case of an agricultural labourer, for instance, if he is unaware of the machinery that is available to ensure the minimum wage for his work, he cannot secure his rightful dues.

The realization of human rights depends equally on the commitment to them of the other actor, viz., the State. Unless the State translates the international norms into domestic law, human rights are no more than mere moral rights for the people. The minute the State legislates and passes laws for their enforcement they become truly legal rights for the people in the country.

Children working in hazardous occupations like carpet weaving, textile and glass industries, fire crackers and match factories would continue to work and die young either of tuberculosis, silicosis or burns, because there is no law that guarantees their enlistment in schools and prohibits their employment in such hazardous occupations. The Child Labour Prohibition and Regulation Act prohibits child labour in some hazardous occupations. (but the above mentioned categories are not regarded as hazardous by law), and regulates activities of working children in other non hazardous occupations. After the passing of the Act in 1986, child labour in mines and railways is prohibited. But it continues with impunity in many other occupations under exploitative conditions, since the State and the employers lack the will to stop such activities.

This example also brings out that the mere passing of an Act is not sufficient to guarantee protection of human rights. Under this Child Labour Act, the inspectors are to ensure that the children do not work in hazardous occupations. But in many states in India such inspectors are not appointed at all. While in some other states, the law is not implemented by proper notification in the official gazette, in yet other states, even when the law is passed by the Central Government, the State Governments have not provided the infrastructure which is necessary for the implementation of the law. Whenever infrastructure is provided and officials are appointed, these officials lack proper understanding and sensitivity to the issue in question. With the result the factory inspectors prefer not to notice children working there when they visit the factories on their routine inspection or they are convinced that the children must work to learn the skills of the trade. Many a times they are not sensitive about the conditions under which these children are made to work or they feel that it is the duty of children to feed their unemployed parents and their large families.

Since times immemorial, children have been learning the skills of trade from their parents. The child labour becomes objectionable when children are forced to work under inhuman and exploitative conditions such as being forced to work from 3.00 a.m. to 10.00 p.m. in small, crowded, accident prone rooms without proper ventilation, or where children were facing at the risk of bursting fire crackers, resulting in burning many and killing a few of them. To appreciate their nimble fingers and their ability for tying knots of the carpet with complete disregard to the consequences of physical deformity or other health hazards like tuberculosis is not a civilized way of looking at their work.

What is the solution for such a situation ? How would the rights of people be preserved and protected?

Under international law relating to human rights, every

State is duty-bound to give effect to the provisions of the international instruments that it has signed and ratified. It is the legal obligation of the State to pass corresponding laws to ensure rights to its people and providing the enforcement machinery for the protection of these rights and to educate the officials who are manning such machinery to understand and appreciate the spirit of the law and their commitment. The State is answerable to the international forum, where it has to submit periodic reports of the laws and the measures that it has taken to secure protection and realization of the rights of the people in its territory.

In India, in addition to the traditional organs of the State we have a National Human Rights Commission (NHRC), which helps to promote the protection of human rights. The NHRC receives complaints from people regarding violation of their rights. It collects information, holds inquiries whenever there are violations of human rights, be they of prisoners, women, children or bonded labourers. They also look into the working of the institutions where the rights of people are likely to be violated like, prisons, remand homes, policy machinery, etc. NHRC comes up with recommendations to the government in order to avoid further violations of human rights by restraining the police from using third degree methods for gaining confessions from the accused, or hand-cuffing a prisoner or concocting the post-mortem reports in the case of custodial deaths. NHRC has also commented upon the working and validity of a draconian Act like TADA and encouraged the government to repeal that Act. It attempts to persuade refrain the State to refrain from committing excesses in violation of the rights of the people.

In a country like India, selfless service and philanthropy comes naturally to many working through the media of voluntary organizations whose primary objective is to work for the benefit of specific weaker sections of the community. They help people to realize their rights, by educating them and informing them

about the existing institutions and familiarizing them with the working of these institutions. For example, people need to know how to lodge a first information report with the police, raise questions in the parliament or the assembly, demand information from the government bodies, etc. In Maharashtra, a network of organizations helped the agricultural workers to secure rise in their minimum wage by posing questions in the legislative assembly and thereby forcing the Government to appoint a committee which recommended changes in the wage structure. Some organizations helped the bonded labourers to be released from bondage by giving moral support, providing subsistence allowance and later helping them to receive the rehabilitation support under various Government schemes.

We have many such socially oriented organizations which act as links between the State and the people and work for the advantage of the people. All this emphasises the need to educate the people and make them aware of their rights.

Human rights education can be imparted through formal as well as informal set up, depending on the needs of the interested groups.

Formal Education System

The existing formal educational system can add components of human rights, education, starting from the primary level. Teaching of human rights must arise out of students' daily experiences and living conditions. Perhaps a non-examination oriented approach would help, because that permits flexibility and avoids artificial restraints or formalities.

- At the primary level one may start by making children aware of the treatment that is given to the girls and boys both inside and outside their homes.
- At the secondary level, children start noticing disparities and discriminations around them. Topics

of equality, liberty, freedom, choice of education, social cultural and religious rights could be discussed with them.

- More in-depth study may be included at the higher level.
- Components of human rights education may be added to teachers' training courses as well.

Informal and Adult Education

We have large sections of the community who did not have the luxury of attending school. To them and many adult-illiterates and neo-literates, informal human right rights training is necessary.

- Books used for the adult literacy programme can include topics on human rights.
- Informal adult education techniques can be used for imparting information on human rights, e.g. group discussions, brain storming, street plays, role plays etc.
- Special groups may require training on specific human rights, e.g. women, tribals, senior citizens, members of voluntary organizations working among these groups and others groups, like children, sex workers, people belonging to unorganized sectors like maid ervants, rag pickers, vegetable vendors, etc.

Law enforcement officials

Human rights of the people could be truly protected if the enforcement officials perform their functions effectively.

- Police have to be sensitive towards the violations of human rights. They must realize and appreciate the situation of the persons who complain about violation of their rights. They could be battered women, women subjected to dowry harassment or suffering harassment

at the hands of local leaders. Unless police are sensitized on different aspects of human rights, they cannot truly become protectors of law and people.

- Lawyers whose job it is to argue the case before a judge in order to seek justice must be aware of the human rights perspective also. It is essential to sharpen their sense of right and wrong.
- Judges whose impartiality and independence is the backbone of the justice system too should be aware and sensitive towards human rights issues. Especially in rape cases, there have been some unfortunate judgments from the judges of the High Court and the Supreme Court. In some cases the judges felt that the woman was raped because she provoked men by wearing revealing dresses or she is likely to be raped if she remains outside her home after 7.00 p.m. Nothing permits a man to force himself on any woman against her wishes but some judges felt that when a woman says "no" she in fact means "yes".
- Government officials including administrative staff and officials belonging to the IAS cadre who in fact prioritize different human rights demand in introducing schemes like, educational facilities to girls, rehabilitation of bonded labourers, social security schemes for he benefit of old and destitute women etc. and make budget allocation for such schemes must be exposed to the human right norms and philosophy, so that they themselves do not violate the rights of people under their control. This is particularly relevant in cases of prison authorities and officials of remand homes, orphanages and destitute homes.

Mass Media

Considering the large population that has to be covered, the task of educating people on human rights becomes truly formidable. This can be considerably facilitated through mass media and the electronic media in particular. TV can be an effective tool to reach out to large sections of people by providing education through entertainment.

Journalists are capable of influencing public opinion and guiding political leaders to acquire human rights prospective. An investigating journalist brought it to the notice of all that in this largest democracy, instances of buying and selling of women take place as if they are a commodity. Even the woman who is sold (Kamala in this case) did not find this practice objectionable. A different form of child abuse surfaced only after the story of children being exported for riding camels as jockeys in the Middle East was published in the news paper and the state was made to take necessary action in the matter.

Political leaders

Political leadership at the local, state and the national levels must be made aware of human rights norms and their commitment to the people and to the international forum to protect the same. The laws they pass and the policies they formulate must be informed by such awareness.

Voluntary Organizations

There are numerous voluntary organizations, social action groups or non-Government Organizations. in our country. Many of these bodies function through a well organized network of such groups. Since most of these organizations enjoy respect from and acceptance by the people, it would be worthwhile to join hands with them in the activity of spreading awareness of human rights among the larger sections of the community. This

can be done by conducting trainers' training for the social workers of these organizations who work among the people at the grass roots. Conducting workshops, seminars and exchange programmes for students, social workers and interested groups would also help to bring about the desired change in the attitude to and understanding of human rights.

The challenging task of spreading awareness of human rights and making people sensitive to them has to be tackled by adopting a multidisciplinary approach in a cooperative manner.

6

Education for Human Rights

Janusz Symonides

Human Rights are the minimal rights which every individual must have against the State or other public authorities by virtue of his being a member of the human family. This concept was earlier referred to as "Natural Rights". After the Second World War, several principles were enunciated in the Atlantic Charter of 1944. The first documentary use of the expression "Human Rights" was made in the Charter of the United Nations which was adopted at San Francisco on 25th June 1945. The preamble of the Charter, setting up the United Nations, declares that the UN shall have for its objects, inter-alia, to realise firm faith in fundamental human rights. Article – 1 stated the purpose among others, is to achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. Article – 13 provides for initiating studies for promoting international co-operation in economic, social, cultural, educational and health fields to ensure the realisation of human rights and fundamental freedoms for all. Article – 55 envisages promotion of higher standard of living, full employment etc. as also solution for international economic, social, health and related problems and universal respect for human rights and fundamental freedoms. The responsibility for the same is vested on the General Assembly, and Economic and Social Council of the United Nations. Article – 52 mandates the Economic and Social Council to initiate studies of the above subjects and submit periodical reports to the General Assembly. Article – 68 empowers the Economic and Social Council to setup an international Com-

mission on Human Rights. Accordingly, the Economic and Social Council has established.

a Commission on Human Rights in 1946

a Commission on status of women and

a Sub-commission for the prevention of discrimination and protection of minorities.

However, the United Nations' Charter was not a binding instrument and merely declared the ideal to be developed later by the different agencies of the organization. The first concrete step in formulating the human rights was taken up by the United Nations in December 1948 by adopting the Universal Declaration of Human Rights. It was intended to be followed by an International Bill of Rights which would be binding on the concurring States. The Universal Declaration consists of a preamble and thirty Articles. The preamble sets out the inalienable rights of all members of the human family. Article 1 and 2 are of general nature consisting of the declaration that all humans are born free and the principles of equality and non-discrimination shall be followed by all States parties to the declaration. Articles 3 to 21 relate to the Civil and Political Rights. Article – 3 re-affirms the right to life, liberty and security of person. The other rights under Articles 4 to 21 are freedom from slavery and servitude, freedom from torture and in-human treatment, equality before law, right to fair trial, right to be presumed innocent until proved otherwise before a Court of Law, freedom from arbitrary interference with privacy of family or correspondence, freedom of movement, right to seek asylum in other countries, right to marry and set-up a family, right to own property, freedom of thought, conscience and religion, freedom of opinion and speech, right to assembly and association, and right to take part in the governance of the country and to have equal access to public services. It also affirms that the will of the people shall be supreme and that requires periodic elections where each citizen has a right to

participate.

Articles 22 to 27 of the Declaration relate to the economic, social and cultural rights. The concluding Articles, i.e. Articles 28 to 30 affirm that every individual is entitled to a social and international order, has duties to the community and empowers the State to regulate the Economic, Social and Cultural Rights. Article – 10 enjoins the state not to destroy the existing rights.

The Universal Declaration operated merely as a Statement of ideals and was not legally binding on the participating States. The deficiency was sought to be removed by the UN General Assembly by adopting in December 1966 two covenants for observance of Human Rights namely, the Covenant on Civil and Political Rights with its optional protocols and the Covenant on Economic, Social and Cultural Rights.

These covenants were ratified by the requisite number of participating States and in that sense become a binding instrument on the State not merely in its international relations but also as a guarantee for its own citizens against oppression by the State or its organs. The Universal Declaration and the two Covenants aforesaid, together are known as the "International Bill of Human Rights".

The Covenant of Civil and Political Rights has a preamble and 53 Articles. Article 2 binds the States – parties to make appropriate legislation or other measures for enforcement of the rights declared and to provide for an effective remedy against violation of such rights and freedoms. Part – III of the covenant is devoted to the Civil and Political Rights covered by the Universal Declaration and contains more details. Incidentally, the right to property does not find a place in the Covenant. Article – 28 provides for the establishment of Human Rights Committee, its constitution and functioning. Article – 40 enjoins the States-parties to report to the Secretary-General regarding the measures adopted and the progress made,

who in turn is to transmit the report to the Human Rights Committee. The committee consists of 18 elected members who will study the reports, and make recommendations to the State Parties. The committee may also report to the Economic and Social Council. Articles 40 to 42 refer to the procedure of the Committee in the matter of reporting. It contains also the procedure of an ad-hoc Conciliation Commission functioning under the Human Rights Committee.

The International Covenant on Economic, Social and Cultural Rights, 1996 contains a preamble and 31 Articles. The preamble is in general terms and is quite similar to the preamble of the Universal Declaration. Article – 1 affirms the right to self determination, to freely decide upon the political status and freely to pursue the social, economic and cultural development. Article – 2 enjoins the States – parties to take steps to realize the rights covered by the Covenant, if necessary, by legislation. Article – 3 declares equality of rights of men and women and Article – 5 is a saving clause regarding existing rights. Article – 6 to 15 catalogue the Economic, Social and Cultural rights. Part – IV contains the measures to be adopted for implementation of theme rights. Article – 16 requires the States-parties to submit periodic reports to the Secretary-General who in turn is to transmit the same to the Economic and Social Council. Article – 19 empowers the Economic and Social Council to transmit the report to the Commission on Human Rights for study and for general recommendations. The states-parties are given an opportunity to commit on those recommendations and suggestions. Article – 21 requires the Economic and Social Council to submit its report to the General Assembly along with its recommendations.

The Economic and Social Council in December 1996 established a Committee on Economic, Social and Cultural Rights consisting of 18 members to supervise the measures taken and the progress made by the covenant. In furtherance of the ideals envisaged by the international bill of human rights, the

United Nations has issued several declarations for upholding human rights.

Even before the adoption of the aforesaid Covenants, the makers of the Indian Constitution had made adequate provisions for inclusion of the Rights covered by the Covenants drawing inspiration from the Universal Declaration. Part – III of the Constitution relating to Fundamental Rights covered almost all the Civil and Political Rights, included in the Declaration. The covenant became a binding Instrument by reason of ratification by the participating States. Those articles covered by the Economic, Social and Cultural Rights and included in the Universal Declaration are in the most part covered by Part – IV of our Constitution relating to the Directive principles of State Policy. A comparison of the various Articles of the Universal Declaration and the aforesaid Covenants with Parts III and IV of the Constitution of India would make it clear that those Rights declared as "Human Rights" are practically incorporated in the Indian Constitution. The Universal Declaration was followed up by Regional Conventions with a view to provide a machinery for enforcement of Human Rights. The earlier concept in International Law was that it is only the respective States that could have recourse to any remedy for the enforcement of International Law. Individual rights and freedoms were not recognized as such and had to be enforced by the agency or the State to which the citizen belonged. Stress was made on the individual rights by the charter of the UN, the Universal Declaration and the two covenants aforesaid. It became necessary for the participating States to provide for a machinery for the enforcement of human rights. The Covenant on Civil and Political Rights related to enforceable rights of the individual was the commitment by the participating States that these Rights would be forced by the State itself. It is in this context that the Fundamental Rights in Part – III are made enforceable by recourse to remedies available under Articles 32 and 226 of our Constitution. Article 32 itself was made a

Fundamental Right. The Covenant on Economic, Social and Cultural Rights was a direction to the participating states to enact legislation for implementation of those Rights with a view to improve the living conditions of their own citizens.

The European Convention of 1950 established the European Commission of Human Rights and also the European Court of Human Rights. Individual complaints against violation are to be presented before the Commission. The Commission, in processing the same, would endeavour to set right the wrongs done to the individual and in case of failure, would refer to matter to the European Court of Human Rights. The verdict of the said court was to be binding on all the participating States. There was a similar convention by the Latin American Countries in the year 1969 to follow up the Universal Declaration and the two Covenants aforesaid. There was also an Arab Regional Commission of Human Rights established in 1968 and the African Charter of Human and People's Rights adopted in the year 1981.

The UN has later issued several declarations and resolutions to safeguard the rights covered by the Declaration and the Covenants. Still, however, there is not yet established any International Court of Human Rights where individual violation can be adjudicated upon.

The I.L.O. in its convention in 1951 declared "equal pay for equal work" for both men and women as a basic human rights. This was accepted by the participating State. The Indian parliament, in 1976 enacted the "Equal remuneration Act". The concept is also covered by article 39 (d). In Part – IV of the Constitution of India, Article 39 declares that the citizens, men and women, will have an equal right to an adequate means of living. The ownership and control of material resources of the Community are also distributed as best to subserve the common good; that the operation of the economic system does not result in the concentration of wealth and means

of production to the common detriment; that there is equal pay for equal work for both men and women; that the health and strength of workers, men and women, and the tender age of children are not abused; and that the children are given opportunities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youths are protected against exploitation. The various other articles in Part IV of the Constitution of India are intended as guidelines for the State to achieve the objectives contained in the Universal Declaration as well as in the Covenant on Economic, Social and Cultural Rights. The General Assembly of the UN in the year 1959, issued a Declaration relating to the Rights of the Children. In spite of all these provisions, the objectives envisaged are yet to be fully achieved. The report of the Committee on Child Labour shows that the bangle factories in Uttar Pradesh (U.P. – a province in India) employ children of tender age on meagre wages. They are required to work in deplorable conditions. The temperature at the factories where the children work is reported to be between 400 o C, the result being that they do not yet appropriate education and suffer from various jobrelated diseases. Similar is the condition of the children in the match and fireworks factories in Sivakasi in Tamil Nadu. Children below 12 years of age are made to work in most deplorable conditions without even sufficient safeguards against fire or any provision for medical aid. The carpet making factories in Rajasthan, U.P. and Jammu Kashmir (J&K) also employ children of tender age without any provision to take care of their health and well-being. In the unorganized sector the children are employed as domestic servants, hotel bearers, canteen boys etc. They are also exploited in the slate industry where they suffer serious injuries, sometimes burn injuries and also expose themselves to tuberculosis and silicosis resulting in premature death. The Child Labour Act 1986 has not been of much assistance to help these children out of the ordeal which they are subjected to.

The concept of the right to life under Article 21 of the Constitution of India, which is a basic right covered by the UN Declaration, had been the subject of interpretation by the Supreme Court in various decisions. The right to life has been interpreted as not merely a right to exist but also to comfortable living with all facilities for work, leisure and medical aid. It has also been held that any law which places restriction on the Rights in Article 14 and 21 should be just and fair and not arbitrary or oppressive. The test of reasonableness of the law itself is to be examined by the court as held by the Supreme Court in "Menaka Gandhi", case and a number of later decisions following the same. In State of Himachal Pradesh V/s Umed Ram Sharma", the Supreme Court held that roads in hill areas of the State are essential for access to life and that would fall within the rights guaranteed under Article 21 of the Constitution. In Raghubeer Singh's case, the Supreme Court held that the right to life takes in the right to speedy trial and also the right to legal aid. These decisions have been followed in later decisions of the Supreme Court of India.

Exploitation of women had been a cause of major concern in India. "Dowry death" and "sati" (the act of a widow ending her life by jumping into the funeral puyre of her husband) are not uncommon in some parts of the country. The case relating to Rup Kanwar is a shocking instance of primitive barbarism. Despite the suppression of Immoral Traffic Act 1958, young girls of tender age are lured into immorality and find lodgement in places where their body and soul are exploited. Instances relating to abandonment of female infants were also not uncommon. The Government of Tamil Nadu (an Indian province) devised a scheme of leaving empty cradles at different places and it is reported that within a short time a number of female infants were recovered as abandoned in these cradles.

Torture and excesses in police investigation and detection

of crimes are reported from different parts of our country. Third degree methods to extract confession, rape of women in police custody and custodial death are also quite common in India.

The British Parliament had enacted the Police and Criminal Evidence Act, 1984. A code of practice for detention, treatment and questioning of persons by police officers was prescribed by the British Home Secretary under section 66 of the Act. The Act gives right to have some one informed about the arrest and detention and the right to consult a Solicitor while in police custody. Confessions appearing to have been obtained by oppression are prohibited and such evidence is to be excluded. The burden is always on the prosecution to prove that the confession is voluntary. Regulation of police practice by the Act is treated as an important factor in procedural fairness. Failure of the police personnel to comply with these procedures exposes them to disciplinary action. Section 76 (2) of the Act relating to inadmissible confession is based on Article 8 of the European Convention of Human Rights.

Among the various declarations relating to human rights issued by the UN, the declaration of the right to development adopted on 4th December 1986 is of considerable importance. This takes away right to the people for self determination which does not, however, include the right to Secede, the Right to Sovereignty over their wealth and natural resources; elimination on violation of Human Rights, equal attention for Civil and Political Rights as well as Economic, Social and Cultural Rights; international peace and security and equality of opportunity for development. The resources available on disarmament are to be utilized for development and well-being of all people, in particular those of the developing countries. The declaration stresses the need for efforts to bring out a new International Economic Order and the right to participation by States and individuals in all developmental activities. This takes in also

the Right to speech and expression and the Right to a free press and the electronic media.

The International Labour Organization (ILO) at its headquarters at Geneva had recently made the observation that one in every four children in parts of India, Ghana, Indonesia and Senegal work six or seven days a week for a few pennies which in most cases they have to hand over to their parents. Most of the child labourers, who are under the age of 15, work more than nine hours a day, the ILO said, quoting a survey. It is estimated that at least 100 million children world wide are put to work in the fields or under slave-like conditions in mines or safety-matches manufacturing units or weaving factories. Other children work merely for survival or the survival of their families. They are street vendors, trash collectors, household servants or shoe-shiners. The ILO's report came a day after the United Nations Children's Fund (IUNICEF) in Geneva declared war on child labour and child prostitution. The ILO survey shows that girls are more likely to work than boys although much of their work was household, unpaid work. It was also noticed that rural children work more than their urban counterparts with agricultural work being the main type of rural labour. Children's work was considered essential to maintain the economic level of the household.

Mere declaration of rights alone will not be of much use unless there is a proper machinery for enforcement. Human Rights Commissions have been established at the national level and at State level in India with a view to see that those who violate human rights are brought to book, people are made aware of their rights, and their poverty and ignorance are not exploited. It is also the endeavour of these Commissions to see that adequate steps are taken, at the appropriate time, for all to be given the opportunity for a proper blossoming of the human personality.

Human Rights recognize the inherent dignity and funda-

mental freedom of all members of human family and are the foundations for all basic freedom, justice and peace in the world, which will be possible only when the State and the people are conscious of the need to ensure that everyone enjoys human rights. This requires massive campaign of human rights awareness.

In India, keeping in tune with the spirit of the Constitution, the fundamental rights and the directive principles, umpteen number of social legislation have been enacted, which covers the entire gamut of Human Rights. Unless the implementing agencies are aware of their import, their enforcement would lack fervour and substance. It is, therefore, imperative that "Human Rights" teaching should be made part of education and training at all levels. The need of the hour, therefore, is to sensitize all the three wings of government, i.e. Executive, Judiciary and Legislation, to the need to take care of the dignity and freedom of citizens.

Human Rights, as a subject of study, has to be included in the curricula and syllabi of schools, colleges and universities. The students should be taught, as to how in their day to day life, observance of Human Rights would enhance the living conditions in the society.

Last but not the least, the media, voluntary workers, the NGO's have also an important role to play. They should give positive orientation and direction to the human rights movement.

A positive approach to make everyone aware of these lofty ideals of human rights will ensure enhancement of the quality of life in society.

Human rights jurisprudence in its practical application will have a universal appeal. The ever-expanding code of human rights now includes the right to international peace, the right to clean environment and the rights of the ethnic, religious and

linguistic minorities. The history of the Human Rights movement is one of growth. It is an ever enlarging field to ensure human dignity for a peaceful life.

It is the duty of the present generation to protect the environment and eradicate all social evils so that at least the next generation will have better opportunities for a fuller development.

7

UNESCO's Contribution to the Development of Human Rights Education: Achievements and Challenges

Janusz Symonides

Introduction

Among the members of the United Nations family a special role in the area of education for human rights has quite naturally to be assigned and fulfilled by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Education for human rights has always been among the priorities of the Organization, which follows the assumption that human rights are respected and implemented where they are known. The obligation to develop human rights education is implicitly formulated in Article 1 of the UNESCO constitution which states that: "The purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for human rights and fundamental freedoms".

The United Nations Economic and Social Council, in its resolution 314 (XI), already in 1950, invited UNESCO to encourage and facilitate teaching about the Universal Declaration in schools and adult education programmes, and through the press, radio and film services. The International Conference on Human Rights, which met in Tehran in 1968, called upon UNESCO to develop its programmes aimed at

making children aware of respect for the dignity and rights of man and at ensuring that the principles of the Universal Declaration prevail at all levels of education, particularly in institutions of higher learning, where the future cadres are trained.

The specific role of UNESCO in the teaching of human rights was also several times recognized by the United Nations Commission on Human Rights which, in 1971, urged it to examine the desirability of envisaging the systematic study and the development of an independent scientific discipline of human rights, taking into account the principal legal systems of the world with a view to facilitating the understanding, comprehension, study and teaching of human rights at university level and, subsequently, at other educational levels. In 1973 the Commission encouraged UNESCO to develop education for human rights for all and at all levels.

Responding to these requests, the General Conference of UNESCO in 1974 adopted a recommendation concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms. Human rights are understood by it as being "those defined in the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants on Human Rights. That is the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights of 1966".

The Recommendation called upon Member States to take steps to ensure that the principles of the Universal Declaration of Human Rights and of the International Convention on the Elimination of All Forms of Racial Discrimination become an integral part of the developing personality of each child, adolescent, young person or adult, by applying these principles in the daily conduct of education at each level and in all its form. Member States should encourage wider exchange of

textbooks, especially those concerning history and geography, and should take measures for the reciprocal study and revision of textbooks and other educational materials in order to ensure that they are accurate, balanced, up-to-date, without prejudice, and enhance mutual knowledge and understanding between different peoples.

In 1978, UNESCO organized in Austria the first of its congresses devoted to human rights education. In its final document, the Vienna Congress stressed that human rights education and teaching should be based on the principles which underlie the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments. It called for the recognition of the indivisibility of human rights.

An important step in the development of human rights education was made when the International Congress on Human Rights Teaching, Information and Documentation was organized by UNESCO in Malta in 1987.

The Basic Instruments Determining UNESCO's Programme and Strategy in Human Rights Education

World Plan of Action on Education for Human Rights and Democracy

The International Congress on Education for Human Rights and Democracy was organized jointly by UNESCO and the United Nations Centre for Human Rights in collaboration with the Canadian Commission for UNESCO in Montreal in March 1993. The main aim of the Congress, as formulated by the twenty-sixth session of the UNESCO General Conference (1991), was to contribute to the elaboration of future action to be taken by UNESCO "for the promotion of human rights in

the political, economic and cultural circumstances that have recently emerged and that call for fresh consideration and debate". Within this framework the objective of the Montreal Congress was to:

- highlight the achievements and identify the obstacles to overcome in the field of human rights education;
- introduce education for democracy as a complementary aspect; and
- encourage the elaboration of tools and ideas, in particular educational methods, pedagogic approaches and didactic materials, so as to give a new impetus to education for human rights and democracy.

The main result of the Congress was the World Plan of Action on Education for Human Rights and Democracy. It is introduced by the recommendation which states that, in spite of major progress achieved in the field of education for human rights, serious efforts still need to be made to overcome present obstacles and shortcomings as well as to meet new challenges.

The Plan is addressed to various social actors from individuals, families, groups through to States, to non-governmental organizations, the United Nations, in particular its Centre for Human Rights and specialized agencies of the United Nations system, in particular UNESCO.

As far as means are concerned, the World Plan of Action on Education for Human Rights and Democracy proposes seven major strategies for concerted actions to promote education for human rights and democracy, including several activities to be carried out by UNESCO, in particular the development and distribution of a standard form for planning, implementing and assessing the Plan, the strengthening of UNESCO's Voluntary Fund for the Development of Knowledge of Human Rights Through Education and Information, and the establishment of a follow-up committee.

The ultimate purpose of the Plan is to create a culture of human rights and to develop democratic societies that enable individuals and groups to solve their disagreements and conflicts by the use of non-violent methods. Ten main lines of action from the identification of the most appropriate target groups to the design of the cost-effective and sustainable educational programmes and a global commitment to increase the resources, are needed to make education for human rights and democracy effective and comprehensive world-wide.

In order to ensure a broad and comprehensive implementation of the World Plan of Action on Education for Human Rights and Democracy, the following levels of action are foreseen:

- teaching human rights and democracy in the curricula of all levels of the school system;
- education for human rights and democracy in a non-formal setting;
- education for human rights and democracy in specific, contexts and difficult situations.

The Plan underlined that UNESCO bears special responsibility for enhancing the quality of publications in the area of human rights education and for the best use and distribution of information, documentation and materials.

The Vienna Declaration and Programme of Action

At the closing meeting on 25 June 1993, the World Conference on Human Rights adopted the Vienna Declaration and Programme of Action.

The Vienna Declaration is composed of a preamble and two parts. The first presents fundamental principles, standards and the most important issues of human rights. The World Conference gave strong support to the concept of the unity

and universality of human rights, declaring that "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis." The Vienna Declaration also reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental rights. The second part of the Vienna Declaration formulates a programme of action to be taken by States, the United Nations system and non-governmental organizations and institutions to improve the effective enjoyment of human rights by individuals including persons belonging to vulnerable groups.

One of the main results of the World Conference on Human Rights concerns the recognition of the importance of human rights education. The Vienna Declaration in its paragraph 33, reaffirmed that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms.

In the programme of action, a special Part D is consecrated to human rights education. In five paragraphs (78-82), the World Conference underlined that human rights education, training and public information is essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. It called on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings. Human rights education should embrace peace, democracy, development and social justice.

The Vienna Declaration and Programme of Action in paragraph 81 states:

"Taking into account the World Plan of Action on Education for Human Rights and Democracy, adopted in March 1993 by the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, and other human rights instruments, the World Conference on Human Rights recommends that States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particularly account of the human rights needs of women."

The World Conference on Human Rights also requested that the proclamation of a United Nations Decade for Human Rights be considered.

The Declaration of the forty-fourth session of the International Conference on Education

The Conference, which was held in Geneva from 3 -8 October 1994, on the theme: "Appraisal and perspectives of education for international understanding", unanimously adopted a Declaration and took note of a Draft Integrated Framework of Action on Education for Peace, Human Rights and Democracy.

Ministers of Education acknowledged in the Declaration their responsibilities for the education of citizens committed to the promotion of peace, human rights and democracy, in accordance with the letter and spirit of the Charter of the United Nations, the Constitution of UNESCO, the Universal Declaration of Human Rights and the Conventions of the Rights of Women, and in accordance with the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms.

They expressed their determination to increase their efforts to implement the Declaration and Programme of Action of the

World Conference on Human Rights (Vienna, 1993), the World Plan of Action on Education for Human Rights and Democracy, adopted at the Montreal International Congress in March 1993 and make the internationally recognized instruments in the field of human rights available to all educational establishments.

The Plan of Action for the UN Decade for Human Rights Education

The forty-ninth session of the General Assembly in its resolution 49/184 proclaimed the ten-year period beginning 1 January 1995 the United Nations Decade for Human Rights Education. The resolution declared, as formulated by the Montreal International Congress on Education for Human Rights and Democracy, that "... education for human rights and democracy is itself a human right and a prerequisite for the realization of human rights, democracy and social justice."

The General Assembly welcomed the Plan of Action for the Decade presented by the Secretary-General and invited governments to submit comments with a view to supplementing the Plan and appealed to all governments to contribute to its implementation.

The Plan of Action formulated five main objectives of the Decade:

- the assessment of needs and the formulation of effective strategies for the furtherance of human rights education at all school levels;
- the building and strengthening of programmes and capacities for human rights education at the international, regional, national and local levels;
- the co-ordinated development of human rights education materials;
- the strengthening of the role and capacity of the mass media in the furtherance of human rights education;

- the global dissemination of the Universal Declaration of Human Rights.

UNESCO which had substantially contributed to the elaboration of the Plan of Action for the Decade has an important role to play in the planning and initiating the process of implementation of the activities during the Decade, working closely with the Centre for Human Rights. The Plan of Action stipulates that "The High Commissioner for Human Rights, with the assistance of the Centre for Human Rights and UNESCO, shall conduct, in 1995, a preliminary survey and evaluation of existing human rights education programmes and initiatives at international, regional and national levels, and shall issue a report of the results of that survey and evaluation."

In its decision regarding the UN Decade for Human Rights Education (1995 - 2004) and UNESCO's role and responsibilities foreseen in the Plan of Action for the Decade, (146 EX/32 and 146 EX/52, Decision 7.1.2), the Executive Board took note of the important role assigned to UNESCO in this Plan. It urged Member States to extend full support to the Secretariat in the design, implementation, evaluation and review of programmes of education for human rights, peace and democracy, as foreseen in the Plan. The Executive Board, in particular, encouraged UNESCO National Commissions to participate actively in developing national plans of action for human rights education, for an effective implementation of the activities of the Organization, as foreseen in the Plan.

UNESCO's Programmes and Activities Related to the Elaboration of a Comprehensive System of Human Rights Education

The long-term goal that UNESCO has set for itself is the establishment of a comprehensive system of education and training for peace, human rights and democracy that is intended for all groups of people and embraces all levels of education,

whether formal or non-formal. The Organization's strategy consists in mobilizing both individuals and institutions (governments, educators, the media, families, parliaments, businesses, trade unions, non-governmental organizations, etc.) so that everyone may receive an education and appropriate training, especially those who are in difficult circumstances, such as women, children, the elderly or disabled, minorities and indigenous peoples, refugees, displaced persons and those living in extreme poverty.

A. UNESCO's activities aimed at the development of national plans and programmes for human rights education

UNESCO collaborates first and foremost with governments in framing national policies and strategies designed, in particular , to improve curricula and textbooks, teaching methods and the actual functioning of educational institutions so that they come to lead the field in the exercise of human rights, the practice of democracy, learning to be tolerant and appreciating cultural diversity.

In promoting education for human rights, democracy and peace, and to follow-up the implementation of the UNESCO and UN instruments in this field, an active role is played by the UNESCO Advisory Committee on Education for Peace, Human Rights and Democracy, established by the Director-General in December 1994 as a follow-up to the Montreal World Plan of Action on Education for Human Rights and Democracy. The Committee considers the role of UNESCO in the context of the Decade and recommends a number of concrete actions with regard to the systematic and comprehensive monitoring of the implementation of all UNESCO and UN instruments as well as programmes dealing with education for peace, human rights and democracy.

The obligation to develop human rights education is already well-established in international human rights law. The Universal Declaration of Human Rights is the first instrument which in its article 26, para. 2, demanded that "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace". This formulation was repeated literally in Article 4 of the Convention against Discrimination in Education (1960).

In Article 13 of the International Covenant on Economic, Social and Cultural Rights (1966) States Parties agreed "... that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms". They further agreed that education shall enable all persons to participate effectively in a free society and "... promote understanding, tolerance and friendship".

In order to encourage Member States to elaborate national strategies, plans and programmes for human rights education, UNESCO convenes regional meetings. The first of the series, the Regional Conference on Human Rights Education in Europe, organized in Turku (Finland, 18-21 September 1997), contributed to the evaluation of national policies and programmes and more effective implementation of strategies for promoting human rights education. The second of the conferences was organized in Dakar, Senegal, from 16 - 20 December 1998. The Regional Conference for Asia and the Pacific organised in Pune, India from 3 - 6 February 1999 is the third in the series. The fourth, the Regional Conference on Human Rights Education in the Arab States, will be held in Rabat, Morocco from 17 - 20 February, 2000.

Preparation and dissemination of educational materials and manuals

The preparation of educational aids for higher and non-formal education remains a priority for UNESCO. A preliminary version of a *Manual of Human Rights Education for Primary and Secondary Levels* was broadly disseminated in 1998 and has now appeared in its final version under the title *All Human Beings ... Manual for Human Rights Education.*. The first volume of a manual on human rights, designed for universities, entitled *Human Rights: New Dimensions and Challenges: Manual on Human Rights,* edited by me, has just been published in English. Two further volumes will appear this year. It covers a range of themes which takes into consideration current developments and trends in the field of human rights, and the need to promote knowledge and research on them in institutions of higher education and learning.

Two important educational aids on democracy and human rights have been prepared and published. One book, *Democracy: Questions and Answers* was first published in 1995 in English and has since appeared in Arabic, Armenian, Bulgarian, Czech, French, Greek, Korean, Nepali, Polish, Russian, Spanish and Swedish. Another popular teaching aid, *Human Rights: Questions and Answers has* been completely revised and updated. The English version of this new edition appeared in 1996. The Arabic, Armenian, Bulgarian, German, Russian and Spanish versions were published in 1997 and other linguistic versions are envisaged.

A new issue of *Major International Human Rights Instruments was* published in Autumn 1998. It includes data on the state of ratification of human rights instruments, both universal and regional, and has proved to be a valuable reference for human rights education. Since 1987 UNESCO has also been publishing a *World Directory of Human Rights Research and Training Institutions.* The fourth edition appeared in 1998.

The Directory provides information notably on research themes and on specialists working in the field of human rights as well as on international co-operation. It thus helps to establish collaboration between institutions and enables the creation of networks of research and training institutions.

Co-operation with educational partners, development of Specialized networks

In its endeavours for promoting education for human rights, peace and democracy, UNESCO co-operates closely with the human rights activists, educational partners, academic community and non-governmental organizations by way of its networks and specialized structures.

An important role is played by a network of UNESCO Chairs on Human Rights. As specified in agreements signed between UNESCO and the interested universities, the purpose of the Chairs is to promote an integrated system of research, training and information activities in the field of education for human rights. They facilitate and promote national, sub-regional and regional collaboration between researchers and teachers. The UNESCO Chairs conduct specialized courses and programmes, organize numerous conferences, prepare newsletters and publications aimed at the dissemination of knowledge on human rights. At present almost forty such Chairs exist in all regions, including Asia and the Pacific, the UNESCO Chair in Pune being one of the most active among them.

The first meeting of chairholders of UNESCO Chairs on Human Rights, Democracy, Peace and Tolerance took place in Stadtschlaining, Austria, in April 1998. The participants adopted the *Stadtchlaining Appeal to Promote Human Rights, Democracy and Peace*, and signed a Memorandum of Co-operation strengthening links between Chairs and foreseeing a number of joint projects.

RHE-12-0
06732

In order to encourage an exchange of information on human rights teaching and research, and strengthen co-operation among members of human rights teaching and research institutes, UNESCO organizes Annual Meetings of Directors of Human Rights Institutes. They provide an opportunity for discussing new modalities of action for human rights education at institutional levels. The ninth annual meeting, organized jointly by the Institute for Training in Human Rights of the Paris Bar and UNESCO was held at UNESCO Headquarters in March 1998. The meeting enabled the participants to exchange information on teaching and research as well as on activities linked with the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights.

UNESCO has developed institutionalized collaboration with non- governmental organizations through the UNESCO-NGO Standing Committee on Education for Peace, Human Rights and Democracy, making it possible for over 60 non-governmental organizations to engage in concerted action for human rights education, both formal and non-formal.

The co-ordination of human rights promotion and protection is entrusted upon the United Nations High Commissioner for Human Rights. A Memorandum of Understanding, signed between the High Commissioner for Human Rights and the Director-General of UNESCO in October 1995 provides the framework for further developing and strengthening co-operation between the two institutions.

The Role of Non-Governmental Organizations

Fifty years ago, at the time of the drafting of the Universal Declaration of Human Rights, some fifteen NGOs with consultative status participated in this process. Now they are hundreds if not thousands. The emergence of a human rights movement animated by NGOs in almost all countries and in all regions can be seen as a *signum temporis* and the best

evidence of the universality of human rights. The role of NGOs has greatly expanded over the past decades. They are crucial partners of the United Nations in promoting human rights, scrutinizing reports at the national level, providing information to treaty bodies, assisting in the dissemination of information and contributing to the implementation of recommendations of the treaty bodies. Furthermore, they are raising awareness through publications and direct non-violent action. On the whole, they function as a link between governments or inter-governmental organizations and the population. Their roles are fact-finding and monitoring in their own or in other countries, investigating and reporting on human rights abuses, lobbying national governments and international bodies, mobilizing interest groups, educating the public about human rights matters and the work of international organizations. They may differ as to their size or modalities of action, they may be international, regional, interregional, national or local but what unites them is their action in the defence of human rights.

On various occasions in recent years the United Nations has stressed an important role which non-governmental organizations may play in the development of human rights education. It is the recognition of the fact that NGOs for many years in the past have worked towards the development of human rights education. They organize special courses, summer universities, training programmes and publish numerous teaching aids, guides, manuals, curricula and monographs for the general public and special profession groups, such as teachers, journalists, judges, the armed forces and the police.

Non-governmental organizations have become the natural partners of the United Nations and UNESCO in the development of human rights education. The Montreal World Plan of Action on Education for Human Rights and Democracy was addressed, among others, to national and international non-governmental organizations. The Vienna Declaration and Programme of Action, adopted by the World Conference on

Human Rights, in para 82, provides that: "Governments, with the assistance of intergovernmental organizations, national institutions and non-governmental organizations, should promote an increased awareness of human rights and mutual tolerance.

The General Assembly, proclaiming the United Nations Decade for Human Rights Education, appealed to all governments to contribute to the implementation of the Plan of Action for the Decade and called upon a whole range of non-governmental organizations to increase their involvement in formal and non-formal education in human rights. The Plan of Action focuses on stimulating and supporting national and local activities and initiatives and is built upon the idea of a partnership between governments, international organizations, non-governmental organizations, professional associations, individuals and a large segment of civil society. The active engagement of non-governmental organizations, grass-roots organizations and professional associations in the various activities of the Plan of Action is seen as a crucial element for success.

At the dawn of the 21st century, the important role of non-governmental organizations in the promotion and protection of human rights and in tackling various problems of humanity is increasingly recognized by the international community. The United Nations system follows new, more flexible rules concerning co-operation and partnership with NGOs. New procedures have been introduced to enable their broader participation in United Nations world conferences and summits and for obtaining consultative status. A new, more flexible set of directives adopted by the UNESCO General Conference in 1995 to govern relations with NGOs gives the Organization a chance to co-operate under "operational relations" with all non-governmental organizations - international, regional, subregional, national, local and grassroots. Treaty bodies have opened the reporting systems to NGOs whose role in the evolution of State reports is steadily expanding from countries with members of

treaty bodies and written statements to active presence and the possibility to make oral interventions.

The relations between governments and NGOs are not free from tension due to the fact that raising of public awareness and monitoring of government actions in compliance with human rights standards leads often to criticisms of various States. Nevertheless, even in this area, positive developments may be noted in the introduction of new forms of dialogue, interactions and partnerships in promoting human rights education.

A recent example of a positive evolution in the position of governments towards human rights non-governmental organizations is the adoption by the General Assembly on 9 December 1998 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote Universally Recognized Human Rights and Fundamental Freedoms.

The Declaration provides that everyone has the right to form, join and participate in non-governmental organizations, associations or groups. It underlines that non-governmental organizations have an important role to play in contributing to make the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training, and research. It confirms and emphasizes that non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

New Challenges

Universality of human rights, cultural diversity and cultural relativism

The acceptance of the right of everyone to have a different cultural identity, the recognition of cultural specificities and differences is viewed sometimes as "justification" of cultural relativism. This approach is not only wrong but is also dangerous. Furthermore, the acceptance of the very idea that persons belonging to one culture should not judge the policies and values of other cultures, that any system of common values cannot and does not exist, indeed undermines the very basis of the international community and the "human family". They cannot function without the existence of standards allowing them to determine what is right or wrong, what is good or bad.

The World Commission on Culture and Development in its report, *Our Creative Diversity,* pointed out that the logical and ethical difficulty about relativism is that it must also endorse absolutism and dogmatism. Cognitive relativism is nonsense, moral relativism is tragic. An assertion of absolute standards is a condition *sine qua non* of reasoned discourse concerning a code of conduct or behaviour.

The Vienna Declaration adopted by consensus by the World Conference (1993) confirmed the universality of human rights and rejected the notion of cultural relativism. The Declaration, in its paragraph 1, reaffirms the solemn commitment of all States to fulfil their obligations to promote universal respect for and observance and protection of all human rights and fundamental freedoms for all. It stressed that "The universal nature of these rights and freedoms is beyond question".

The problem of national and regional peculiarities is referred to in paragraph 5 of the Declaration which provides:

"All human rights are universal, indivisible and interdependent and interrelated [...] While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms".

The results of the Vienna Conference confirm that cultural relativism is in retreat on many fronts. At the end of the twentieth century, human rights cannot be seen as a "Western product"; they were developed by and belong to the whole international community, they are now the common heritage of humankind. Rejecting cultural relativism and recognizing at the same time the significance of cultural specificities, the Vienna Conference intensified the discussion concerning relations between different cultural values and human rights. This has been, in particular, articulated in the debate concerning the so-called "Asian values".

For some Asian governments the existence of specific values in this region resulting from special historical circumstances justifies adopting an understanding of human rights and democracy which is different from that prevailing in the West. This position has been rightly criticized by various governments, non-governmental organizations and activists (also from Asia) as an excuse for gross violations of human rights.

The existence of cultural differences should not lead to the rejection of any part of universal human rights. They cannot justify the rejection or non-observance of such fundamental principles like the principle of equality between women and men. Traditional practices which contradict human rights of women and children have to be changed.

Cultural diversity, plurality of cultures have to be seen as positive factors leading to intercultural dialogue. In the

contemporary world, cultures are not isolated. They interact peacefully and influence each other. The intercultural dynamics is set in motion by the contemporary processes of globalization which lead, not without tension, to the emergence, consolidation or reformulation of specific cultural and ethical values common to the various cultural areas.

Towards a universal culture of human rights

Human rights education in recent years is seen as an important means for the creation of a culture of human rights. The World Plan of Action on Education for Human Rights and Democracy adopted by the UNESCO Montreal Congress in 1993 underlines that its ultimate purpose is to create a culture of human rights and to develop democratic societies in which individuals and groups can resolve disagreements and conflicts by the use of non-violent methods.

The Plan of Action for the United Nations Decade for Human Rights Education contains the most comprehensive definition of human rights education. It stipulates that human rights education shall be defined as: "... training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge an skills and the moulding of attitudes ...". Five directions of human rights education are listed, namely:

- the strengthening of respect for human rights and fundamental freedoms;
- the full development of the human personality and the sense of its dignity;
- the promotion of understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples, racial, national, ethnic, religious and linguistic groups;
- the enabling of all persons to participate effectively in a

free society, and;

- the furtherance of the activities of the United Nations for the maintenance of peace.

The new role of education as the foundation for a human rights culture was also recognized by the forty-fourth session of the International Conference on Education, which took place in Geneva in 1994. Ministers of Education in the Declaration adopted by the Conference expressed their conviction that education: "... should promote knowledge, values, attitudes and skills conducive to respect for human rights and to an active commitment to the defence of such rights".

Both in the Plan of action for the UN Decade for Human Rights Education and the Declaration of the International Conference on Education, understand identically the very term "culture". A culture of human rights can be achieved not only through access to and knowledge of certain values but also by imparting and moulding of attitude's and skills. Readiness to defend and follow the human rights standards in everyday life, both private and public, and the creation of peaceful non-violent behavioural patterns and skills, are the ultimate indications of progress achieved in the construction of a culture of human rights. In line with such assumptions, human rights education is a much wider concept than the study of international and internal human rights standards, procedures and institutions. It has to be understood not as an instruction about human rights but as education for human rights.

This means that educational institutions should become open, ideal places for the exercise of tolerance, respect for human rights, practice of democracy and learning about the diversity and worth of cultural identities. They should develop skills involving judgements and ability to arrive at fair and balanced opinions and conclusions, ability to seek solutions through dialogue and non-violent ways and means, ability to participate actively in public life.

A universal culture of human rights is a long-term goal which can be achieved through the establishment of a comprehensive system of education, training and public information aimed at all groups of the population, especially women, children, minorities, indigenous people and disabled, embracing all levels of education, formal and non-formal. Although education has to be seen as a cornerstone in the construction of a human rights culture, it cannot be built without the participation of the media which at present exert a predominant influence on the forging of attitudes, judgements and values which create images and often determine the relation to "others" - individuals, groups, religions or cultures.

A human rights culture cannot be constructed without the participation of all social actors and the whole of civil society. The real progress in building of a human rights culture is also linked with the need to reach through all means and innovative programmes the excluded, the vast masses of the illiterate and the millions of children who do not even have an opportunity to learn the rudiments of education. From this point of view, the emphasis on "education for all" and "life-long education" as well as the promotion of "education without frontiers" are of paramount importance.

8

National Human Rights Institutions : Their Role in Education for Human Rights

R.V. Pillai

National human rights institutions are an expression of national concerns and national efforts to promote values that sustain a civil society. They complement, on the one hand, the functioning of the criminal justice system and, on the other, the work of governmental and non-governmental organisations, political leadership, academic institutions and other segments of the society committed to protect the basic freedoms and rights of the people. Their constitution and functioning reflect a positioning midway between organs of the government and non-governmental organisations. Responsibilities assigned to national human rights institutions have varied, conditioned by the milieu in which they have been created or exist, as also reflecting the dominant societal issues to be addressed. Over a period of time, the national human rights institutions have moved away from a role as primarily reactive institutions dealing with individual complaints, to become proactive, promoting such activities as are designed to enhance human rights values and a human rights culture.

Considering the fact that institutions were being created for the protection and promotion of human rights in countries around the world and recognising the need to identify certain basic common characteristics in the structure and functioning of the institutions, a seminar was held in Geneva in 1978. This seminar approved a set of guidelines, inter alia, covering the

functions of national institutions. Two important functions so identified in these guidelines were (i) to provide assistance "in educating public opinion and promoting awareness of and respect for human rights", and (ii) to "act as a source of human rights information for the Government and people of the country". These guidelines were endorsed by the UN Commission on Human Rights and the General Assembly. These guidelines got further refined at a workshop convened by the UN Commission on Human Rights in Paris in 1991. This workshop evolved a set of principles - the Paris Principles - covering, inter alia, responsibilities of national human rights institutions, According to these principles, the National Institutions shall have, among others, the following responsibilities:-

"To assist in formulation of programmes for the teaching of, and research into,, human rights and to take part in their execution in schools, universities and professional circles" and "To publicise human rights ..... by increasing public awareness through information and education....."

These responsibilities and role were reaffirmed by the UN Commission on Human Rights, the UN General Assembly and also by the international human rights community at the World Conference on Human Rights held in Vienna in June 1993. The Vienna Declaration and Programme of Action adopted by the World Conference reaffirmed:

"the important role played by national institutions for the promotion and protection of human rights, in particular, in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information and education in human rights".

The World Conference on Human Rights called upon the States to strive for the eradication of illiteracy and to direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It stressed the essential role of human

rights education, training and public information in the promotion of harmonious relations among communities, and in fostering mutual understanding tolerance and peace. It further called upon all the States and institutions to include human rights as a subject in the curricula of all learning institutions in formal and non-formal settings. Taking into account the World Plan of Action on Education for Human Rights and Democracy adopted earlier in that year by the International Congress on Education for Human Rights and Democracy of UNESCO and other human rights instruments, the World Conference on Human Rights recommended that States develop specific programmes and strategies "for ensuring the widest human rights education". It further suggested that "proclamation of a UN Decade for Human Rights Education in order to promote, encourage and focus these educational activities be considered".

In pursuance of this suggestion, the UN General Assembly in its resolution of 23 December 1994 proclaimed the 10 year period commencing 1 January 1995, the UN Decade for Human Rights Education. The General Assembly appealed to all the Governments to step up their efforts to eradicate illiteracy and to direct education towards a full development of the human personality and strengthening of respect for human rights and fundamental freedoms. It urged the States to prepare and implement national plans for human rights education. A plan of action for the decade prepared by the UN Secretary General and approved by the General Assembly envisaged that national humans rights institutions such as Human Right Commissions, Office of Ombudsman and Human Rights Research and Training Institutions should play a central role in the development, co-ordination and implementation of human rights education programmes at the national level. At the international level, the office of the UN High Commissioner for Human Rights in association with UNESCO is to provide the necessary support.

The proclamation of the UN Decade for Human Rights Education has helped to provide a sharper focus to the efforts of national human rights institutions to undertake human rights education programmes which have been a part of their agenda.

Given the assigned role and responsibilities, I would identify the following major components for the programmes of human rights education to be taken up by national human rights institutions:

1. Promoting elementary education.
2. Creating awareness of human rights and of the instrumentalities for the protection of these rights.
3. Sensitising public functionaries on human rights.
4. Training for personnel of national institutions on human rights issues.

Promoting elementary education

This is a task that national human rights institutions have to undertake in areas which suffer from very low literacy levels. Any effort to spread human rights education must begin with the education system itself. The 1998 Report on Human Development in South Asia by Mahbub ul Haq and Khadija Haq gives the figure of 395 million illiterate adults (nearly half of the world's total) in South Asia, making it the most illiterate region in the world. The direct link between basic education and human development stands well established. Basic education has contributed to a lowering of population growth, reduction in infant mortality rate, iodine and iron deficiency - the cause of children being born with less than normal IQ, rise in civic consciousness, greater political empowerment and democratisation. Take the case of India alone. The number of illiterates in the country constitutes 30% of the world's illiterates and they exceed the total combined population of the USA, Canada and Japan. How much do these people understand

about civil and political rights or economic social and cultural rights? How much are they aware of the constitutional commitments and safeguards or statutory provisions for protecting their human rights? How do they go about articulating their grievances or seeking remedies which are open to them? What do they understand of effective participation in the governance of the country?

National human rights institutions, more importantly those in the South Asian countries which suffer from the malaise of illiteracy have a major role to play in promoting elementary education for the enjoyment of human rights. The Indian National Human Rights Commission, the first national institution in South Asia, has gone about this in a very determined manner. An extract from its Annual Report for 1995-96 is reproduced:

"This issue (of free and compulsory elementary education) is of such critical significance to the Commission that it has been the subject of a letter dated 11 January 1996 which the Chairperson addressed the Presidents of all the major political parties in India. In it, he observed that despite the promise of Article 45 of the Constitution, forty-five years after that noble document came into effect, one incontrovertible fact faces the nation: the number of those who are illiterate in the country exceeds the entire population of India at the time of Independence. This grim reality enfeebles the country in every way, whether civil and political, or economic, social and cultural. It affects the dignity and self-esteem of countless Indians and exposes them to constant violations of their human rights. In its most aggravated form, this finds painful expression in tens of millions of our youth working as child labour, or even as bonded labour, in hazardous or utterly demeaning circumstances. The Chairperson, therefore, urged that definite steps be taken, in the next Parliament, to give comprehensive legislative backing to the Directive Principle contained in Article 45 of the Constitution. The Commission would like to repeat

this recommendation now, realising full well that this will require an adjustment of national priorities and, indeed, a re-deployment of national resources."

While it is a matter of gratification that the Government took serious note of the recommendation and decided to give legislative backing to the right to free and compulsory primary education and has been deliberating on a re-prioritisation of national resources, the Commission has felt it necessary to explore alternative cost-effective strategies for the spread of primary education. It has been interacting with private educational institutions which have already tried out teaching models which are more economical than those of the Government.

Creating awareness of human rights and of the instrumentalities for the protection of these rights

There can be no one single organisation in any country entirely responsible for informing and educating the public about human rights. It is a responsibility shared by the Government, the academic institutions, professional associations and in fact every segment of the civil society including NGOs. The Paris Principles and the subsequent deliberations at the international level have envisaged a key role for national human rights institutions as a promoter and as a catalyst. This has also got reflected in the statutes and other legal instruments which have brought these institutions into existence or the statutes which they have been empowered to administer. The issues to be addressed and the dimensions of efforts by the national human rights institutions vary depending on the extent of socio-cultural diversity and the level of economic development.

The family and the class rooms provide the initial setting for the generation of human rights awareness. Healthy respect for human rights values among members of the family influences young minds in a big way. Outside the family, class rooms

constitute the first stage when the child witnesses the interplay of socio-cultural diversity and economic disparity on the one hand, and respect for human rights on the other. In fact, teaching of human rights in schools is not a very recent development in Asia. A programme for teaching human rights has been in existence in Sri Lanka since 1983. Many years ago, Japan adopted an education policy stressing the importance of equality and development of awareness against discrimination. The 1987 Constitution of Philippines mandates teaching of human rights in schools. India has recently developed materials for teaching human rights in schools and for training teachers in human rights concepts and values. Both India and Cambodia have witnessed significant NGO efforts in promoting human rights education at the school level. However, human rights teaching in schools has yet to become a major educational activity in the region.

Teaching of human rights in school has to be conceptually different from teaching of human rights at higher levels. The task at the school level is more easily performed through anecdotes, stories and legends with a local flavour and through examples of lives of great people who preached and practised right values. This means a societal internalising of human rights standards. National human rights institutions have a well-defined role to play in this regard. Being a repository of international experience and rooted in the national milieu, these institutions perform the role of a philosopher and guide in interacting with educational planners and administrators. Guidance, as in the case of the Indian Commission, has been in introducing concepts and values which promote a healthy respect for human rights, and in eliminating portions of text books which are inimical to human rights values. Based on its knowledge and experience, the national human rights institutions could advice on formulation of teaching materials, or on the training and sensitisation of teachers whose conduct itself is a very important factor in the students imbibing the right values.

Approach to human rights education at higher levels has to be different. Understanding of international human rights standards and instruments and the human rights laws of the country is essential, in terms of application of these standards and statutory provisions for the protection and promotion of human rights. It is also essential that there is an understanding of the various instrumentalities at the international and national levels concerned with the enforcement of human rights standards and re-dressal of complaints of human rights violations. In a more focussed way, students of higher education should also be made aware of the mechanisms for bringing early relief to victims of human rights violations. Further, the national human rights institutions also provide a nodal point for compilation of information on the syllabi and the teaching methods among different universities so that a certain degree of uniformity in the standard of teaching could be maintained at the national level.

Sensitising public functionaries in human rights

Many countries in the Asia Pacific region which have had a colonial past have inherited, at the time of gaining Independence, a law-enforcement machinery, more particularly the police and the para military forces trained to serve the interests of the ruler. Bringing about attitudinal changes and sensitising the personnel of the police and other security forces have been a major area of responsibility of the Indian and Philippine Human Rights Commissions. One of the former members of the Philippine Human Rights Commission traced the creation of that Commission as a response to the conduct of the country's armed forces and the police under the martial law.

Lack of adequate knowledge and of training of prison staff of different ranks has been of deep concern to the Indian Commission. As a means of remedying the situation, it organised a five-day training course for senior prison officers, in

association with National Institute of Criminology and Forensic Science in 1996. As this evoked positive response, the Commission proposes to organise more such training camps.

The Indian Commission has felt that political parties can play a very important role in promoting human rights. Accordingly, it requested all political parties represented in the Parliament and the State Legislatures to constitute "Human Rights Cells" at the Central, State and district levels for protecting and promoting human rights and for overseeing the conduct of their members. Each party was also requested to designate a senior leader to liaise with the Commission on human rights matters. Subsequently, it held meetings with leaders of all major political parties. On the eve of the General Election to the Parliament in 1998, it urged all political parties to reaffirm their commitment to human rights by selecting candidates having an "unimpeachable human rights record". In a letter to leaders of political parties, the Chairperson of the Commission stressed that political parties had a special responsibility to ensure the strengthening of a democratic polity, the survival of the civil society and assurance of good governance. He hoped that the concerns expressed by the Commission and the recommendations made by it on important human rights issues would find adequate reflection in the policies and programmes that they placed before the electorate. A number of political parties responded to the communication from the Chairperson with the assurance that they would include such human rights concerns in their programmes and party manifestos.

Training of personnel of national human rights institutions

As the basic objectives of national human rights institutions are to encourage compliance -with human rights standards and promote a human rights culture, the training needs of personnel employed by them must be tailored to enable them to discharge their assigned responsibilities. These training needs encompass

broadly the following:

a) awareness and motivational programmes to sensitise the personnel on human rights issues and to impart knowledge on mechanisms that exist at the national, regional and international levels for the protection and promotion of human rights.

b) procedures for dealing with registration and processing of complaints.

c) procedures for investigating complaints.

d) research into areas of human rights concerns with a view to evolving programmes of action at the Governmental or societal level.

e) office management procedures, computerisation and documentation.

f) creation of a core staff of trainers who would train personnel of national human rights institutions as well as institutions below the State level, as also other functionaries - Governmental and non-Governmental - who constitute a vital component of the extended system for human rights protection and promotion.

Training programmes cannot be static. In order to ensure the desired level of dynamism in the course contents and training methods, the programs need regular re-evaluation. Pre-course assessment will ensure the evolution of a program that meets the training needs of the target groups, and will also give the trainers information on what the trainees expect. Similarly, post- course evaluations will help in assessing what participants have gained from the course, thus maintaining a continuous process of modification and improvement.

National Institutions set up in the Asia Pacific Region in conformity with Paris Principals have been mandated to promote human rights education among different segments of the community. The Australian Human Rights and Equal

Opportunity Commission has the responsibility for undertaking educational programmes, not only for that country but for the other countries of the Commonwealth as well. It has set up a web page with a "School Page" on general human rights education for school students, besides evolving programmes for creating human rights awareness among the general public and government functionaries. The National Commission on Human Rights of Indonesia has a Sub-Commission for Education and Public Awareness on Human Rights. It has been exploring the possibilities of organising human rights programmes for students, police and military and other government servants. The Indian National Human Rights Commission has, in pursuance of its statutory obligations, undertaken a variety of programmes designed to promote human rights education. I do not propose to go into details, as I believe that a number of speakers at this conference would be covering them. Human Rights Commission of New Zealand is involved in the promotion of respect for human rights by education and a number of other programmes. The Philippines Human Rights Commission has a Public Information and Education Office mandated to take up a variety of programmes of human rights education and training. These programmes addressed different segments of the society; the students, the teachers, the government servants, police and military personnel and community leaders. As we go along, we must see the newer National Institutions such as the Sri Lankan and Nepalese Commissions undertaking programmes for the promotion of human rights education in their country.

Regional efforts of national human rights institutions in the Asia-Pacific

A great deal of activity in the area of education for human rights has been generated in pursuance of the proclamation of UN Decade for Human Rights Education. The UN High Commissioner for Human Rights has been actively involved in

co-ordinating and evolving programs at the international level and has also been providing support to national governments in the implementation of various programs drawn up at the national level. The Governments, the national human rights institutions, the NGOs and the academic community have been individually and collectively working on programs of human rights education at the national level. Besides. at the regional level in the Asia-Pacific region, an institutional mechanism - the Asia-Pacific Forum of National Human Rights Institutions - has been set-up in 1996 to share experiences and to undertake joint activities. The Forum presently consists of the National Human Rights Institutions of Australia, India, Indonesia, Philippines, New Zealand and Sri Lanka. It has met every year since its inception and has given special emphasis on the need to develop a culture of human rights and on wide dissemination of information about human rights. It has taken up work such as developing programmes for human rights law courses at the level of higher education and for the training of personnel of human rights institutions and community human rights workers. Given the enormous diversity in terms of size, population, language, culture and political systems and given the variety and richness of experience of national human rights institutions in the region, joint efforts through this Forum will help to improve the capabilities within the Asia-Pacific for better observance of human rights.

Promoting education for human rights will remain a major item on the agenda of National Human Rights Institutions. For, it is through education and awareness that a milieu is created and promoted for the enjoyment of human rights; whether civil and political or economic, social and cultural. This is an area of activity where the distinction between various rights disappears. What is ultimately aimed at is an improvement in the quality of life of the citizens irrespective of social or economic status, irrespective of diversity and plurality in terms of language, religion or culture.

PART II

Regional and Country Perspectives and Profiles

9

Gaining Ground : Human Rights Education in Asia-Pacific HURIGHTS Osaka

Jefferson R. Plantilla

Human rights education in the Asia-Pacific is mainly the result of struggles for justice. It is being used as a tool for change. It has traditionally been the domain of non-governmental institutions. But the evolving human rights structures in the region are providing more opportunities for human rights education to become part of the public initiatives in facilitating respect for and realization of human rights.

Regional Reflections

The year 1993 is significant for the human rights movement in Asia-Pacific. It is the year when more than 200 non-governmental human rights workers of various backgrounds and taking up different issues gathered in Bangkok to discuss ways to address human rights problems in the region.

In the conference statement addressed to the representatives of the Asia-Pacific governments holding their own regional meeting in preparation for the World Conference on Human Rights in Vienna in the same year, the NGO representatives declared:

"Human rights education and training have both preventive

---

* This paper, based on the series of articles by the author published in HRE Review in Osaka, Japan, is prepared for the Asia-Pacific Regional Conference on "Education for Human Rights" held in Pune, India on February 3-6,1999

and curative impact - they can empower people to prevent problems from arising by nurturing respect for other people's rights, and vice versa, as well as inform people of the possibilities of redress."[1]

The NGO representatives also stressed the need for human rights education in and out of school systems. And they urged the United Nations to declare a decade for human rights education (which became a reality in December 1994).

They echoed previous NGO declarations when they said.

"Human rights education must be rooted in the realities of the lives of people especially the most marginalized and vulnerable, and empower them to participate fully in the development process." [2]

In a clear consciousness of the need for relevant human rights education, the conference participants emphasized the need for human rights education to integrate the principles of ecological sustainability, gender sensitivity and respect for the well- being of indigenous peoples.

They acknowledged that human rights education is the co-responsibility of government and all sectors of civil society. It is not the sole domain of either public or private groups. This reflects the changing mode of doing human rights education since partnership between government and non-governmental institutions is encouraged.

Equally important is the reaffirmation of the need for mainstreaming human rights education. The conference participants declared that human rights education should sensitize all levels and sectors of society, including government, local and international civil servants, the police, security and defense forces, the school system, the family, media and all social institutions.

And since the United Nations Decade for Human Rights Education is already in place, the conference participants urged

to emphasize in the name of the Decade the broadest understanding of the principles, norms and concepts provided by the international human rights documents.

The idea of broadening the range of participants in the human rights education work was discussed in another regional meeting of human rights educators held in 1994 in Thailand. The meeting report states that:

"Just as human rights issues cover a broad area, the human rights educators are also from various types of occupations. Human rights education is not the sole work of human rights organizations, it is rather the common program of human rights organizations, development agencies, religious institutions, people's organizations, sectoral groups, educational institutions and other groups. This mirrors the need to make human rights concepts known, practised and realized in and by every sector of society."[3]

A year and a half after the UN Decade for Human Rights Education began, another regional workshop was held to assess how the Decade is proceeding. The workshop, attended by representatives of NGOs in several countries in the region, strongly emphasized the crucial role that they (NGOs) play in implementing the Decade.[4]

The participants criticized the United Nations Plan of Action for the Decade for placing 'undue emphasis on national structures for coordination and implementation of human rights education.' They believed that this would result in marginalizing the role of NGOs and the civil society. They feared that many Asia-Pacific governments will control the structures, programs and resources for human rights education. They, therefore, suggested that any "... national processes must exercise a promotional and facilitative, rather than regulative, role with respect to human rights education".

This regional workshop raised issues on the still generally underdeveloped relationship between NGOs and government or government-established institutions as far as human rights education was concerned. Even then, it should be noted that there were already existing collaborative efforts between NGOs and government institutions in some countries in the region prior to 1996. The experiences of these collaborative efforts are certainly providing lessons on how such joint activities can support the objectives of human rights education. They should be examined more closely. At the same time, it is important that these NGOs having collaborative activities with government or government-established institutions are well-supported by other NGOs to assure the realization of expected goals.

Evolving scenario

The United Nations' activities in human rights, and in human rights education in particular, have significantly boosted the regional linkages for human rights education. They provided the reason for representatives of government and non-governmental institutions to come together and discuss how to further support human rights education activities at the national level.

Regional activities likewise became the medium through which national experiences, systems and materials are shared and learned by groups in many countries in the region.

A series of regional inter-governmental workshops sponsored by the United Nations since 1995 resulted in the adoption of the following action plans.

> development of national human rights programs and plans of action in accordance with the Vienna Declaration and Programme of Action (Manila 1995, Kathmandu 1996);

- continuing dialogue and sharing of human rights education experiences in the region and creation of a working group of government, national institutions and non-governmental organizations for the purpose (Manila 1995, Kathmandu 1996);
- development of strategies for human rights education in the region, or drafting a regional plan of action, pursuant to the United Nations Decade for Human Rights Education (Seoul and Manila 1995);
- giving emphasis on human rights education in the schools and universities (Tokyo 1995);
- further development of human rights education programs for judges, civil servants, police, security and defense forces, lawyers, prosecutors, prison officials, community leaders, parliamentarians, health professionals, artists, members of the media, the family and other social institutions or those in a position to effect the realization of human rights (Tokyo and Manila 1995);
- coordination of national human rights education programs and strengthening linkages between grassroots communities and human rights agencies (Manila 1995);
- linking human rights education to the realization of the right to development and working for the empowerment of citizens and governments to impress upon intergovernmental or bilateral agencies (WB, IMF, ADB) and private sector organizations and TNCs (Trans-national Corporations) the need to uphold human rights in all their policies and activities related to human rights (Manila 1995);
- coordination of human rights education programs with the United Nations Centre for Human Rights, UNESCO, UNICEF, and local and international non- governmental educational programs (Manila 1995);

preparation of a compendium of existing national human rights education plans of action in the region (Tehran, 1998).[5]

The implementation of these plans at the national level is slow. Only two countries have national plans of action in line with the UN Decade for Human Rights Education at present, and a few others are just beginning the drafting of their respective plans. But the continuing UN-sponsored regional workshops among government representatives in the region provide a forum for making governments take steps to realize these plans.[6]

Complementary regional efforts of national human rights institutions and non-governmental organizations provide another venue for realizing human rights education action plans at the national level.

Human rights education remains a tool for change. And with the changes in context, it is now also considered valid to widen the reach of humans rights education to all sectors of society including people in government and business sectors. In the 1994 regional meeting of NGOs, the suggestion to develop a *pedagogy of the oppressor* is in line with this trend.[7]

The Decade is truly an opportunity for many groups to promote human rights education. It should be seen as the preparatory stage for the real human rights education work in a much broader sense. This preparatory task ends in 2004. Beyond that time, when structures and resources are hopefully in place, more developed human rights education programs are expected to be implemented.

Key Players

A. Non-Governmental Organizations

The oldest initiatives in Asia on human rights education can be attributed to the non-governmental organizations which

work on social justice issues. They are at the frontier work of organizing grassroots communities and sectors of farmers, fisherfolk, women, indigenous peoples and workers. They initiated the system of empowerment of communities to enable them to act on their problems. They originated the concept of "people power" as a countervailing ideology against the common system of domination by the economic, social and political elites in both government and private domains.

Their role in the development of human rights education has hardly been recognized except when they are considered to be the so-called human rights organizations. And somehow, the preoccupation of the latter non-governmental organizations on civil and political rights issues created a gap with those who work at field level on issues affecting the livelihood of the poor and other social injustices previously not considered human rights issues by the mainstream human rights world in the 1960s up to the 1980s. While the gap has narrowed at present, the adoption of the name human rights organizations by these socio-economic organizations has been quite slow, and in some instances found to be unnecessary. Certain situations justify the avoidance of the use of the term human rights to assure unimpeded or less problematic program implementation.[8]

The non-governmental organizations involved in human rights education are classified into:

a) social development agencies such as those doing social mobilizing/animation or community organizing activities for social, political, economic and cultural development;

b) human rights organizations such as those that document, disserninate information and launch campaigns on human rights issues;

c) social action groups such as those that take up social issues and put pressure on the government and other institutions to address the resolution of these issues;

d) sectoral organizations such as women's groups, peasant organizations, and workers' unions that focus on organizing the sectors concerned and taking action on issues affecting them;

e) law groups such as those providing legal assistance and education to grassroots communities;

f) grassroots / popular education groups such as those providing basic literacy services to communities; and

g) art/cultural groups such as those that inform the general public about issues affecting the communities through plays and other art forms. [9]

In general, various human rights education activities of these groups may refer to understanding the situation of poor people and relating them to human rights, learning the systems (judicial or otherwise) in the government structure that can provide redress for grievances, acquiring skills in doing campaigns or conscientizing work in the community, and documenting cases of violations of rights.'

From the many educational programs being used by the non-governmental organizations, one of the most common is legal literacy. This is mainly based on the realization that people have to deal with the existing legal system which relate to many of their problems. Many non-governmental organizations adopted legal literacy programs to develop a critical understanding among grassroots communities of the ways in the legal system which can further their interest and also of the many obstacles in the legal system toward addressing their grievances.

Beyond such knowledge of the relevant laws and legal systems, many non-governmental organizations see the need for legal empowerment for the grassroots communities. Grassroots communities must be able to utilize whatever space is available for them to assert, protect and realize their rights.

This eventually led to the adoption of a skills training program called paralegal training.

Initially, paralegal training was seen as the process of equipping people who have no formal legal education with specific skills in support of the work of lawyers. These paralegals are virtual office assistants in legal firms. Thus documentation skills (from processing and filing documents to interviewing clients) were emphasized in the context of a situation where lawyers are available to handle cases.

Subsequently, with the greater focus on community problems and community-level problem solving systems, the paralegals assume a separate identity of their own. They are no longer simply legal assistants but community workers with specific tasks relating to legal matters.[10]

In a 1989 Asian regional workshop on paralegalism, the work of paralegals has been defined to include the following:

a) holding education programs to enable disadvantaged people to become aware of their rights;

b) facilitating the creation of a people's organization to enable them to demand their rights;

c) assisting in securing mediation and reconciliation in matters in dispute;

d) holding preliminary investigation in cases which have to be referred to a lawyer; and

e) assisting the lawyer with written statements, required evidence and other relevant information necessary for dealing with a such case.[11]

Clear from this list of tasks is definition of paralegal training as an example of an action-oriented human rights education.

The same workshop identified the people who have undergone paralegal training in South and Southeast Asia as

follows:

Community leaders, rural youth, social workers, representatives of specific disadvantaged groups such as tribals, trade union leaders, health workers, literacy teachers, religious workers, young lawyers, law students, student volunteers doing community work, development workers and political activists.[12]

Note that among this list of people trained as paralegals are young lawyers and law students. This shows that human rights education in the form of a paralegal training is never limited to knowledge about laws and human rights but to skills which are hardly provided in the formal education system such as law schools. Note also that the list includes representatives of specific disadvantaged groups. This emphasizes the principle that an action-oriented human rights education is meant for those who directly exercise their human rights - not merely for the so-called human rights professionals.

Paralegal training has become widespread among many non-governmental organizations in South and Southeast Asia since the 1970s at least. Its popularity has even caught the attention of governments. The Philippine government's agrarian reform department trained some of its personnel as paralegals to help more speedily resolve agrarian reform cases of poor farmers who cannot afford lawyers. The Philippine Commission on Human Rights has also started a paralegal training program for members of *Barangay* (Community) Human Rights Action Centers.[13] The Bhutanese government sought the technical help of the UN to hold a training course for paralegals in 1996.[14]

The paralegal training program being used in South and Southeast Asia has various levels: basic, advanced and trainor's training courses. It is basically a continuing education program where participants take new courses not only to have more sophisticated knowledge and skills but also to review new laws, redress mechanisms and even the role of paralegals in light of changing situations.

The training program is generally of the non-formal legal education type whether held by non-governmental organizations or government agency. In one case in India, paralegal course is offered by the National Law School of India University as an extension activity of the university for better delivery of social justice and for social sensitization of law persons." This course is offered to non-governmental organization field workers and social activists. It focuses on accessing social and economic rights of the poor. This is in addition to the paralegal training activities of the university through its Legal Services Clinic.[15]

The training method is usually the participatory type where participants use their own experiences as materials for learning rather than merely those provided by resource persons who are not from the same community or who do not belong to the same sector (of farmers, fisherfolk, indigenous people, workers, etc.). A research on the Philippine experience on paralegal training by non-govemmental organizations (specifically of a network of legal organizations) shows that paralegal training has actually the following characteristics:[16]

a) employment of popular education methodologies focusing on the need for participants to learn more effectively;

b) developmental approach rather than short training activities - knowledge and skills are gradually developed over a period of time, normally years. It is basically an on-the-job training;

c) interaction with sources of legal knowledge- participants are given the opportunity to continue learning the legal bases of their cases by interacting with lawyers or law groups during the time that they are already performing the tasks of paralegals;

d) needs focused - the training is made specific to the situation of the community where the participants come

from. Knowledge and skills are thus tailored to the needs of the community. A general course curriculum may not be of much use in the participants' own context;

e) emphasis on skills - knowledge about laws or human rights is important but a more significant factor is skill. Participants are made to understand that they have a specific role to play which require certain skills - from doing investigations, to preparing documents, to knowing the processes in seeking redressal from government offices, and other paralegal work;

f) organizational support requirement - due to the nature of activities for resolving community problems, participants need to have an organizational support normally a community or sectoral organization which can help make the paralegals become independent from lawyers in doing most of their work;

g) need for some educational attainment - due to the requirements of the work of paralegals, participants need to have some degree of literacy for them to understand laws (in the case of the Philippines they are written in English) and systems of government. But this is not an absolute requirement;

h) financial support - a community determined to fight for the rights of its members with the help of its paralegals has to have some means of supporting itself in order not to be affected by people or institutions (such as landowners) against which they assert their rights. Participants therefore need to have the support of the community in order not to be influenced by the people they deal with such as landowners;

i) shared philosophy - the participants and the trainers need to have similar orientation or philosophy regarding their work since much of the learning does not happen inside

the training room but in actual field work. The incompatibility of orientation or philosophy will not bring trust and confidence between the participants and the trainers and hinder interaction between them in the on-the-job learning portion of the training.

Based on the study of the paralegal experience of a network of legal organizations in the Philippines, it was observed that general human rights education programs (which seem to be popular in some countries) have problems in terms of their actual, on-the-ground impact. He asserts the need to have specific skills in using legal knowledge for the education program to be useful.

What does it mean ... to tell people that they have rights under the law if they lack the power and skills to put those rights into effect? Does it, nevertheless, spur them to some sort of action? Does it plant the seeds for asserting their rights years later? Or are the legal lessons simply forgotten or forsaken if they cannot be applied?[17]

Issue-focused or problem-oriented education programs on human rights have the advantage of addressing real, immediate issues. This factor alone provides much of the interests of people to join and continue the study of their rights. Generalized human rights education program, which does not provide an immediate incentive to act, may fit educational activities which raise awareness of rights. It is more appropriate for seminars and public gatherings with big audiences. It is thus not found to be appropriate for paralegal training.

The role of paralegal training in the human rights education field is quite clear and important. It embodies the very essence of the philosophy of human rights education as a means by which people can realize their rights. In short, it is education for action.

It should be noted that paralegal training is generally

unheard of from non- governmental organizations in Northeast Asia with the possible exception of some social action groups in Hong Kong and Taiwan. With the exception of the labor unions, there is a relative weakness in the area of organizing communities in most Northeast Asian countries which is the usual requirement in most paralegal training programs.

At the regional level, human rights education is very much part of the activities of several regional non-govemmental organizations.[18] Each organization has specific area of work based on the issue being promoted. Most organizations have member institutions or individuals who participate in their programs.

Child Workers Asia, a regional network of grassroots organizations involved in working children issue, provides a forum for sharing experiences among small organizations. Through field visits, it tries to expand the knowledge base of these organizations on human rights and strengthen their campaign programs. The month-long field visits involve groups from Thailand, Indonesia, Malaysia, the Philippines, Vietnam, India and Nepal. It also holds regional and national seminars and workshops.

Jesuit Refugee Service, an international organization with an Asia office, engages in human rights education as a component of its direct services to refugee communities. It plans to have a more sustained HRE program to complement intermittent HRE activities along the Thai border. It collaborates with other human rights organizations on human rights education activities.

Asian Coalition on Housing Rights, a broad regional coalition of NGOs, comnunity-based organizations and individuals, promotes exchange of information and experiences on housing conditions and helps develop alternatives to eviction. As part of its training program, workshops on capacity building (focusing on community organizing and surveying of housing

rights situation) for members of grassroots communities are held. It also organizes exchange visits for young students such as engineering, medical and law students in order to relate technical science to social realities. It advocates for curriculum change to include the housing rights issue.

Asian Cultural Forum on Development, a membership organization, published a book on human rights education. It tries to bring the human rights component to the programs of development NGOs. It holds workshops every now and then on specific human rights and development / culture issue.

End Child Prostitution in Asian Tourism, an international network of organizations which originally focused on Asia, engages in activities that build awareness on child prostitution. It supports the activities of its national contact organizations in twentyfivecountries worldwide through information dissemination.

Asian Regional Resource Center for Human Rights Education holds workshops for human rights educators. It focuses on the propagation of participant-centered education method to support the programs of national groups in the region. It likewise collects materials on human rights education for regional information/material dissemination. It published a directory of groups related to human rights education work, a catalogue of human rights education materials, a survey of human rights education experiences in several Asian countries, and a human rights education handbook. It is doing campaigns in support of the UN Decade for Human Rights Education.

FORUM Asia, a regional membership organization, held a series of regional and national workshops on fact-finding and documentation. It also holds workshops on specific issues such as rights of the child and of women. It started a human rights study session which takes up general human rights course.

Asia-Pacific Forum on Women, Law and Development

(APWLD) is a network of non-governmental organizations in the region which work on issues of women and law. APWLD focuses on legal literacy for women's rights advocates. Its programs promotes the importance of law and feminist perspective in the women's struggle for change. Its **Beyond Law** program examines various strategies in using law to protect and promote women's rights. Its program on **Feminist Legal Theory and Practice** focuses on law reform and litigation. Its training activities cover both regional and national levels.

Child Rights Asianet, a regional network for the Convention on the Rights of the Child, has been holding training workshops in the region for representatives of government and non-governmental organizations involved in child rights protection. It has been focusing on strengthening national-level system on juvenile justice and monitoring/reporting on progress of the implementation of the Convention on the Rights of the Child.

The Asian Human Rights Commission, through mainly focused on mobilizing international public opinion on human rights issues, has started to undertake training activities. It held a training program for journalists on human rights and democracy.

The Coalition Against Trafficking in Women Asia-Pacific has launched a Human Rights Documentation Training on Violence Against Women (in partnership with Human Rights Information and Documentation Systems) to develop tools for documentation and information handling for human rights advocacy. It has national and regional training activities. It also supports national-level training for national non-governmental organizations and for urban poor communities on the issue of trafficking of women.

Lawyers Association of Asia-Pacific or LAWASIA, though with a mandate to disseminate knowledge on human rights, has not been actively doing human rights education work.

The Asia-South Pacific Bureau on Adult Education (ASPBAE) has identified human rights education as one of its key programs. It has, however, not been able to develop the human rights education program which can be offered to its members in the region.

The Asia-Pacific Human Rights Information Center or HURIGHTS OSAKA, though a national institution supported by the local governments in Osaka (Japan), has a regional program on human rights education which involves non-governmental organizations. Its activities are concentrated at present on human rights education in schools. It has been producing materials that document the human rights education experiences in the region. It has not started any training activity yet.

The work of the non-governmental organizations easily covers many of the human rights issues existing in the region. Their main advantage is their close relationship with grassroots communities. Non-governmental human rights education work enjoys much greater credibility among the people in general at least in the Asia-Pacific.

B. National Human Rights Institutions [19]

The role of national human rights institutions in promoting human rights education is increasingly becoming important. There are more institutions of this kind now in the Asia-Pacific region. Australia, Indonesia, India, New Zealand, Papua New Guinea, the Philippines and Sri Lanka now have their respective national human rights institutions. It is reported that Cambodia has just set up its commission. Thailand, Nepal, Bangladesh and Mongolia may have their own institution in the next few years.

The growing interest in setting up this type of government-sponsored human rights institution is bringing substantial benefit to the efforts to realize human rights in the region. The impact

of these institutions can be seen more clearly in the field of human rights education.

The Asia-Pacific Forum of National Human Rights Institutions composed of the existing national human rights institutions in the region have been developing human rights education programs not just for the institutional improvement of the member- institutions but also for the launching of activities for greater public awareness on human rights. Production of video and promotion of the Forum' s website are some of the projects that are being taken up. [20]

In its first meeting in 1996, the Forum concluded that the promotion of human rights is a responsibility of all elements of society. Regional co-operation is seen as an essential element to ensure effective promotion of human rights.[21] In its second meeting the following year, the Forum gave emphasis on developing a culture of human rights "through grassroots work and wide dissemination of information on human rights and the role of national institutions." [22] There is now therefore, among these institutions, support for human rights education at both national and regional levels.

National initiatives

At the national level, the existing national human rights institutions are all mandated to engage in human rights education as part of the function of promoting human rights. Based on available information, the basic experience of the national human rights commissions in India, Indonesia, the Philippines, Australia and New Zealand are as follows:

a) India. based on its function of spreading "...human rights literacy among various sectors of society and promoting awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means,"[23] the National Human Rights Commission of India has focused on specific areas of human rights education work. It has concentrated on the following:[24]

1. formal education - in collaboration with the Department of Education, the Ministry of Human Resource Development and the National Council of Education Research and Training (NCERT), the Commission (a) launched a review of school textbooks to assure that there is genuine sensitivity towards human rights; (b) prepared human rights materials to guide teachers and academics such as 'Human Rights - A Source Book" and self-learning modules on human rights and national values; and (c) started the preparation for teacher-training at varying levels.

At the university level, the Commission has received positive responses to its call for the inclusion of human rights as a subject in under-graduate and post- graduate studies. A number of law schools in different parts of the country have included a course on human rights;

2. police and military training - the Commission has worked with the police and military education institutes in including courses on human rights in the training and re-orientation of the members of the police and the military. There were also presentations on human rights made by the Commission members before military personnel in the field;

3. general public - the Commission has been participating in discussions and seminars on human rights organized by universities and NGOs on specific human rights issues.

It has also dealt with political parties as institutions which can help disseminate information on human rights.

b) Indonesia - the Komnas HAM or the National Commission on Human Rights in Indonesia has a Sub-Commission for Education and Public Awareness on Human Rights. Its main task is the "cultivation of awareness of human rights concepts both in the national and international communities. This may be done through either government or private bodies, both academic and non-academic. Lectures and seminars are the

two basic tools of this Sub-Commission." [25] Various publications and television broadcasts are under consideration. Numerous lectures, seminars and discussions have been done involving various non-governmental and government organizations. It has been invited to speak at the military education institutes. It adopted a policy of discussing human rights with the people whom the Commissioners meet during their field investigation visits.

The Commission had meetings with the National Center for the Implementation of Indonesia's State Philosophy *Pancasila* to discuss the 'socialization' of human rights values through the already established courses on *Pancasila.* It started exploring possibilities of "integrating information on human rights into certain school subjects if it is not yet possible to establish human rights as a subject on its own."[26]

In recent years, it started a series of workshops through the encouragement of the Canadian Human Rights Foundation to discuss possible human rights education programs for various sectors - military and police, students, general public, government personnel, etc. In March 1996, the Commission held a workshop with the participation of representatives of the police and military, education ministry officials, members of the media and representatives of non-governmental organizations. In May 1998, a second workshop yielded draft training programs that will be pilot-tested soon. In June of the same year, the Indonesian Department of Education piloted a school curriculum on human rights - a direct result of the Commission's efforts.

Also in June 1998, the Commission came up with a national plan of action on human rights which provides that "information dissemination and education programmes on human rights are [to be] carried out in universities and other institutions of higher education, through formal and information education, through the family and through mass media".[27] The plan of action also

contains the program activities relating to the UN Decade for Human Rights Education, the universities and other institutions of higher learning, formal education, information education, family education and the mass media.[28]

c) Philippines - the Commission on Human Rights in the Philippines is mandated to establish a "...continuing program of education and information to enhance respect for the primacy of human rights".[29] It has a Public Information and Education Office which takes charge of the human rights education activities. It conducts seminars/training, lectures/talks and information dissemination through radio programs, newsletters, press/news releases, press conferences and community assemblies, among others. These activities are done by both national and local offices of the Commission. Participants include members of the police and the military, students, teachers, the general public, government officials and employees, rebel returnees, prisoners/detainees, members of the media, members of the judiciary, and sectoral groups.[30] It has a special program on child issues.

It has existing programs in the following areas:

1) military / police training - an inter-agency human rights training arrangement established since 1987 composed of the Commission, the national police agency, the bureau of prisons, and the armed forces is now institutionalized as the National Inter-Agency Chamber of Human Rights.[31] This chamber functions as a forum for monitoring and addressing issues relating to, among other concerns, education and training. It has a committee on education and training. Since 1987, the Commission has held three types of seminars for members of the armed forces: orientation courses, advocacy courses, and trainors' training courses.

In 1995, the government issued a memorandum[32] to the Commission, the Department of justice, the Department of

Interior and Local Government, and the Department of National Defense requiring the study of human rights as part of the human resource development needs of law enforcement, police, military and prison personnel. Successful completion of such study is required for the recruitment, promotion, and transfer/ reassignment of these personnel in their respective departments. The Commission has the responsibility of designing and periodically reviewing the appropriate human rights education and training courses.

2) local government personnel training - the Commission has entered into an agreement with the Department of Interior and Local Government and with the National Association of Elected Community Officials (LICA),[33] to include human rights training in the Integrated Capability Building Program for local government officials. The training course is designed by the Commission and implemented through the Local Government Academy.

3) teachers' training - in collaboration with the Department of Education, Culture and Sports (DECS) and a number of NGOs, prototype instructional materials for both formal and non-formal education has been developed. The Commission started a training program for classroom teachers, school supervisors and curriculum writers on how to integrate human rights concepts in academic subjects.[34] A set of about 100 teaching exemplars on human rights was finalized and are now being disseminated to schools all over the country primarily by DECS through training workshops.

4) community leaders training - in line with the establishment of *Barangay* (Community) Human Rights Action Centers (BHRACs), the Commission started a training program for leaders of different communities who will be part of the community human rights structure. Basic training on the concept of human rights, paralegal skills, and other skills are part of the training modules. As of the end of 1996, BHRACS held

ninetyfive various types of educational activities involving almost 6,000 community members. More people are expected to be involved as the 3,991 BHRACs all over the country increase their human rights education activities.[35]

d) Australia - the Australian Human Rights and Equal Opportunity Commission has a function of promoting understanding and acceptance, and public discussion, of human rights. It also has the function of undertaking educational programs on behalf of the Commonwealth for the purpose of promoting human rights and coordinating any such program undertaken by any other persons or authorities on behalf of the Commonwealth. Pursuant to these functions, the Commission has activities such as follows: [36]

1. general public education - it has a system of community education grants, uses traditional means of communication (bulletins, pamphlets, public relations exercises and leaflets), conveys information through informal community networks (which operates among the unemployed persons, drug-using youth, prisoners, and the Aboriginal people and community organizations such as those of migrant ethnic groups); provides the media with human rights information, and brings out reports and publications on various human rights issues;

Through the office of the Aboriginal and Torres Strait Islander Commissioner, a National Indigenous Legal Studies Curriculum was launched in October 1997. This course focuses on the legal and human rights of Aboriginal and Torres Islander peoples, including court procedures, mental health, juvenile justice, family law, customary law and international law. The same course will be developed for adoption by community and vocational schools and universities.

Another module produced is on disability issue entitled *Making Connections Disability Rights*. This module can be studied along with the indigenous legal studies course.[37]

2. students - it has developed an educational and promotional program for school children. It has, likewise, prepared a basic manual of teaching materials.

An action-oriented research team has been constituted to provide the basis for educational and promotional activities. It is also tasked to prepare discussion papers and occasional papers to be used in promoting discussion on human rights.

A magazine named *Student Magazine* is published to provide a curriculum-linked general human rights education program to all schools in the country.

It recently set-up a website which includes a School Page (a section on general human rights education written specifically for school students), Employers Page (a section spelling out rights and responsibilities of employers under anti-discrimination legislation). There is another website on the privacy issues. The Student Page is related to the *Student Magazine*.

In relation to the racial discrimination issue, the Race Discrimination Commissioner has been working with the New South Wales Department of Education and the Committee of Education Systems Chief Executive Officers about production of anti-racism materials for schools.[38]

e) New Zealand - *the Komihana Tikanga Tangata* or the Human Rights Commission of New Zealand is the oldest institution in the region. It was established in 1977. The first of its functions is to "promote, by education and publicity, respect for and observance of human rights.' This Commission has been implementing training programs for employers and managers on workers rights, and people with disabilities. There is a specific training on sexual harassment prevention. It has also been responding to requests from community groups and public and private organizations for human rights education activities. It has also public awareness program using print and

broadcast media. It also produces video tapes on human rights issues.[39]

f) Sri Lanka - the newly-established Sri Lanka Human Rights Commission is not implementing a human rights education program. The government has designated the Human Rights Centre of the Sri Lanka Foundation as the human rights education center responsible for supporting government human rights education program.

It must be noted that all the five Commissions indicate a relationship with non- governmental organizations. It may be assumed that in all five cases, non-governmental organizations have a role in the human rights education program of the commissions.

Distinguishing features

Based on the information presented so far, several distinctive features do come out. They may have to be considered as areas for further study and development. Generally speaking, these features are:

a) use of political parties in India as conduits for human rights education - in many countries, political parties have not been given the same prominent role in human rights work in general, and human rights education in particular, due to the fear of abuse of the opportunity for partisan political ends. Though political parties are organizations with considerable membership and influence in national affairs, human rights work is considered to be a new area of work for them;

b) socialization of human rights values in the context of the *Pancasila* in Indonesia - this illustrates a clear national ideological framework for human rights education. It seems that this measure is meant to make human rights properly relate to the prevailing national philosophy and thus avoid the wrong understanding that human rights are alien to the national

situation. It must be clear however that such national philosophies are not to be taken without caution as the same may contain ideas that are not necessarily supportive of human rights. The *Pancasila* needs to undergo the same examination. A national seminar in 1995, organized by Komnas HAM, concluded that human rights "is the realization of all the principles of the State *Pancasila* ideology, and thus can even be understood as an operationalization of *Pancasila*". [40] (italics mine)

c) use of informal systems of communicating to communities or groups - the Australian experience shows an unconventional yet important means of making human rights properly appreciated by communities or groups which need them most. The utilization of informal community system of communication is certainly unheard of in other countries. This likewise shows an example of an attempt by the Commission to be closer to communities;

d) inter-agency link-up - the Philippine experience in getting different government agencies to formally participate in an inter-agency human rights program shows a trend toward institutionalizing human rights education (or human rights work in general) to assure continuity and wider reach;

e) support for community programs - as shown by the Australian and the Philippine experiences, community human rights education program is seen as a vital component in promoting human rights. And training of key members of the community is a new facet in bringing to the communities the available human rights mechanism.

Common programs

Based again on the limited information available, there seems to be some common programs among the five countries:

a) program for the schools - most national human rights

institutions have a program for the formal education system. This is a significant development due to the still pervasive influence of schools on children and the youth;

b) military/police education - human rights education for the members of the police and the military is an important element of the human rights education program. From a more institutional approach in the Philippine case to the initial engagement approach in the Indonesian experience, a clear demonstration of necessity for educating the members of the police and the military on human rights is presented.

c) general public - in a variety of ways such as seminars, workshops, use of print and broadcast media, and public fora, the five Commissions try to reach out to as many people as possible in order to fulfill their role of raising the awareness of people on human rights.

General Observations

It is not hard to see that on the level of formal declarations, there is a clear unswerving support for human rights in general and human rights education in particular among the governments in the region. Human rights education has without doubt the universal support from governments at national, regional and international levels. It is also not difficult to appreciate the fact that in some countries at least, there are human rights education activities being done by the government-supported institutions mainly through the national human rights institutions (and other government bodies such as legislative committees in the case of Thailand and Cambodia).

This does not mean however that the existing efforts have curtailed human rights violations for they in fact have not. This only means that there are developments which may lead to a substantial decrease of human rights violations.

It is at this juncture that the future scenario for human

RHR-120
Nig
11732
HEALTH C
LIBRARY

rights education has to be appreciated.

The national human rights institutions are key agencies that can institutionalize human rights programs in the over-all government machinery. This role, though not always explicitly stated in the laws creating them, is a natural result of the kind of mandate granted to them. They are institutions in the best position to monitor and analyze human rights situations and develop programs for human rights promotion in the context of their respective national particularities. They are the centers for refining the human rights idea for implementation purposes - translating international human rights standards into practical forms such as in laws, policies, administrative rules and procedures, programs and activities which respond well to the conditions obtaining at the local level.

Human rights education comes as the most widely recognized and practiced human rights work. Its image is less controversial and confrontational, and generally positive as it deals with acquisition of knowledge, attitude and skills about a concept that cannot any longer be denied.

As seen in the discussion above, there are significant developments in the human rights education work of the commissions. What lessons are they pointing out?

Considering the almost generally unique position of national human rights institutions and the significance of human rights education, more critical attention must be given to the following matters:

a) participants - being government-supported institutions their nearest constituency is the whole government machinery. It should naturally be able to affect people in government from the members of the police and the military, to the front-line field personnel, to the public school teachers, to judicial officers, and to legislative staff members. It is important to understand that human rights education must be able to affect those who

are in a position to facilitate the realization of human rights. Conversely, since human rights education is mainly a tool for preventing human rights violations, it must be able to provide the needed knowledge, attitudinal and organizational barrier to violations.

To complete the set of participants, the general populace or the specific sectoral groups must be given attention also. They need to reconcile human rights with their ideas of justice and equality. Human rights as values must be able to address the social-political-economic and cultural structures that dominate people's lives;

b) program - human rights education program should contain elements that can build, change and reconstruct ideas. It must be able to build a strong awareness and commitment to human rights. It must be able to change prevailing systems, policies and activities that lack respect for human rights. It must be able to reconstruct thinking and beliefs so that human rights principles become much more consciously upheld in ordinary situations. Finally, it must be able to provide the incentive to make people act to protect, promote and realize human rights.

Human rights education program must therefore cover as much human rights issues as possible. This relates to the need for human rights to respond to the problems of majority of the people in the region as discussed above. This is also in line with the realization that human rights should not be understood in a truncated way - emphasizing some rights while neglecting others;

c) partners - much like any government agency, national human rights institutions have limitation of functions, powers, resources and access to people. To supplement this need, the implementation of human rights education must be in partnership with either government or non-governmental institutions. This is important also in order to communicate the ideas of human rights in different forms and fora, and to assure that the

discourse on human rights reflects the varied perspectives of people.

Essentially, therefore, the role of the national human rights institutions in the field of human rights education is that of a forum and resource center. They gather people and information to be able to disseminate human rights ideas in the most appropriate and effective way to everyone it can reach.

In this way, national human rights institutions may able to help alleviate the oppressing conditions of most people living in this region.

Human Rights Education in Schools: Asian Experiences

Major countries

Human rights education in schools has been institutionalized only in several Asian countries. In South Asia, Sri Lanka and India have substantive human rights education programs in schools.

Sri Lanka has, as early as 1983, established a program on human rights education in schools.[41] This was in direct response to the 1982 United Nations call for education on human rights in schools. The Sri Lanka Foundation, an independent government- chartered institution, took up most of the work on human rights education through its Human Rights Centre.[42] It has been closely working with the education ministries in developing materials for human rights education. In recognition of the importance of human rights education, the Sri Lanka Foundation recently renamed its Human Rights Centre into Human Rights Education Centre. This center becomes, therefore, the primary government-supported institution that promotes human rights education.

Another center this time attached to the University of Colombo Faculty of Law provides more limited support to this

type of human rights education.[43] In addition, there are several non-governmental organizations which have program on teaching human rights in schools.

India during the last three years has taken steps in support of human rights education in schools. Its national human rights institution, the National Human Rights Commission, has been working with the National Council for Teacher Education (NCTE) and the National Council for Educational Research and Training (NCERT) on this matter. They jointly produce materials for teaching human rights in schools.[44] The National Human Rights Commission has been supportive also of non-governmental institutions' initiatives on human rights education in schools. Just like Sri Lanka, there are a number of Indian non-governmental organizations which have human rights education in schools program operating independently.

In Northeast Asia, Japan seems to be the only country with established program on teaching human rights in schools. The DOWA education (education to eliminate discrimination against Japanese people considered to belong to a feudal classification *of Burakumin,* the lowest group in society), though criticized for not being a real human rights education program, has the features of human rights education. It is the Japanese context - of the government trying to promote societal harmony at the expense of understanding the more structural causes of suppression of the exercise of human rights - that sets the difference. The extent of coverage of the DOWA program and the number of years that it has been implemented provides a rich source of experience in teaching human rights in schools.

In Hong Kong, the teaching of human rights is reported to have been done by some private schools. Non-governmental organizations such as the Justice and Peace Commission and Amnesty International - Hong Kong Section have been supporting the teaching of human rights in schools. In Taiwan,

a project on human rights education in schools has recently been started. A research group composed of educators have been working to develop a curriculum for human rights education in schools. It has been organizing workshops to introduce this new area of education.

In Southeast Asia, the Philippines stands out as having the most extensive program on human rights education in schools. Cambodia has also the experience on human rights education in schools that started during the time of the United Nations Transitional Authority in Cambodia (UNTAC). Vietnam's National Institute for Educational Science has been supporting the production of teaching modules on human rights education. Various subjects in the school curriculum are taken up in relation to the Constitutional provisions on citizens' rights and obligations.[45] In Thailand, the local affiliate of UNESCO's APNIEVE has recently started developing and pilot-testing human rights teaching modules at the primary school level.[46] Other groups, such as the Thongbai Thongpao Foundation as well as the Ministry of Education, have been introducing the teaching of law (including human rights) in some schools and teachers for some years now.

In the Philippines, the explicit provision in its 1987 Constitution on the teaching of human rights in schools set the ground for government programs on this area. Its education department the national human rights institution (Philippine Commission on Human Rights), schools and non-governmental organizations have on several occasions worked together to develop school curriculum for human rights.[47] The education department (DECS) has contracted a non-governmental organization to do teacher training workshops for many of the schools in the country over a period of several years. The national human rights institution has sponsored a "write" shop involving school teachers which produced human rights modules that are now (after pilot testing in several schools) being disseminated all over the country. In addition, several initiatives

on teaching human rights have been started by non-governmental organizations in partnership with schools in other parts of the country. The projects of a group in Philippine Normal University and the Jose W. Diokno Foundation are examples of groups engaged in training of teachers on human rights education. The Jose W. Diokno Foundation is also conducting country-wide training workshops for teachers. Prior to these groups, the Education Forum, another non-governmental organization also introduced human rights as part of its value education project.

Cambodia initially received a lot of support from the United Nations during the time of the United Nations Transitional Authority in Cambodia (UNTAC). The work on human rights education in schools has subsequently been taken over by the non- governmental organizations with the support of the education ministry. Teacher training and material (including curriculum) development are the usual components of the program. The Cambodian Institute of Human Rights has for several years been training teacher trainers and trying to reach out to almost all the teachers in the country in its activities that include seminars and awards for best human rights teachers.

The countries cited here are those with institutionalized approach to human rights education in schools. Many more countries in Asia have experiences in this regard, but they are generally seem to be done in much more limited manner. Examples can be seen in Bangladesh, Nepal, Pakistan, Malaysia, and Korea. The region-wide initiative taken by UNESCO which resulted in the establishment of a regional network on values education (Asia-Pacific Network for International Education and Values Education - APNIEVE) has member schools and individuals in many countries in the region. It takes human rights as one of the issues for school education. It aims to organize regional workshops, exchange information and personnel, undertake research, teacher training, curriculum development, etc.[48]

It should be noted that human rights teaching at higher levels of formal education also exists. India has a number of universities offering courses on human rights at both university and graduate levels.[49] In a few other countries, human rights seems to be taught generally as part of the law curriculum rather than as a general subject for every university or graduate student.

The University of Auckand's Asia Institute is planning to have a masteral degree program on human rights for members of non-governmental organizations in Asia- Pacific. It wants to have a multi-disciplinary approach to studying human rights. A similar masteral degree program on human rights is also being planned in the University of Hong Kong. This program, however, is planned to be implemented by the university's school of law and thus would have more stress on the legal perspective in the study of human rights.

Approaches

The teaching of human rights in schools (primary and secondary levels specifically) has generally taken two approaches: integration into existing curricular subjects, or as separate subject. For those using the integration approach, human rights is being taught as part of the existing subjects in schools. Different terms have been used to describe this system - infusion method[50], interstitial technique[51], and integrated approach[52]. It would seem that there is a general acceptance of the feasibility of having human rights understood through the various subjects that are already taught in schools. A separate human rights subject may appear detached from the regular course curriculum and thus it needs to be redeveloped within the existing subjects. It is possible also that there is a practical reason to this issue: the unwillingness of the teachers to have additional subjects in their overloaded curriculum.[53] After all, the teachers are the ones who actually do the teaching not the curriculum developers.

The teaching of human rights has traditionally been limited to the subject on civics or social studies. Examples can be found in the cases of Vietnam's education on citizen's rights and obligations.[54] It has even been argued that human rights are already covered by the study of national philosophy and morals as in the case of Indonesia's *Pancasila* Moral Education and Civics program[55]. But at present it goes beyond the usual teaching of citizen's rights and duties. Human rights is discussed also in history, economics, and political system subjects.[56]

It is thus not surprising to find efforts at teaching human rights in non-social science subjects. There are existing projects on the development of modules on human rights and mathematics (and science subjects). Examples of these can be seen in the Philippine experience.[57] There is even a report on a plan to incorporate human rights in the music subject![58]

But others believe that the integration approach has its own problems. It may cause the dilution of the teaching of human rights if the curriculum itself has problems. It may also pose difficulty in terms of getting the courses and materials formally approved and adopted by the education authorities. Having a separate subject will preserve the focus on human rights. Teachers can also specialize on the subject to assure that human rights is taught properly. A number of non-governmental organizations have programs with schools through extra-curricular subjects.

The Sri Lankan, Indian and Cambodian experiences show a stress on the teaching of values which relate to human rights. Such values can be based on religion (Buddhism for Sri Lanka and Cambodia) or national principles found in the Constitution (in the case of India).

The experience in Kunijima High School in Osaka (Japan) is an example of an integrated system of education that employs human rights principles both in teaching about non-discrimination and in designing the curriculum for a certain level of students.

This is exemplified by the "Kunijima High school Comprehensive Free Curriculum System".[59]

The initiatives in Asia have consistently included teacher training. Both government and non-governmental institutions are engaged in training teachers in the best possible way of teaching human rights. It can be assumed that these training activities include learning about the meaning of human rights and its application to the different aspects of life.

Components of human rights education in schools

In a series of workshops organized by HURIGHTS OSAKA for Southeast, Northeast and South Asia, several major components of human rights education in schools program have been suggested. The components provide the framework which can be used to create appropriate programs in schools.[60]

a. Vision

A vision of human rights education was suggested in the South Asia to be as follows:

Human rights education is a joyous experience of understanding the issues in society. It is not a neutral education process but based on social analysis. It springs from a perspective of hope with focus on the testimonies of fellow young people (children and youth) who did something good about local situations. It is built upon the day-to-day experiences of hope.

The learning process, therefore, is experiential covering the situations of both the personal and societal. It employs process-oriented methods (and thus avoids lectures and emphasizes interaction among the students).

It aims to develop critical thinking, self-criticism, and the skill of problem-solving based on real situations.

The teachers of human rights are also learners. They do not provide pat answers. They are role models.

b. Goal

The goal of human rights education is suggested to be the following:

A basic goal to achieve is the promotion of human rights education at all levels and forms of education aiming at providing knowledge about human rights; fostering attitudes of tolerance, respect, solidarity and responsibility; and developing awareness of the ways and means by which human rights can be translated into social and political reality at both national and international levels.

c. Contents

The Southeast Asia workshop provides a suggestion on what should contain a human rights education in schools program, as follows:

a. students' actual experiences relating to human rights

b. reasons for teaching human rights
   - universally accepted reason - concept of state and power; human rights as part of human nature
   - "our story" - the story of people's struggle for human rights -
   - development of the concept of human rights
   - 1993 Vienna Declaration

c. human rights concepts and principles

d. rights and responsibilities issue

e. Society, government, culture and human rights issues

f. contextualizing human rights issues (inrelation to gender, peace, development, environment, etc.)

g. child rights

h. settling conflict in the exercise of rights

i. skills (dialogue, facilitation, communication, involvement in human rights work, crisis management, etc.)

j. promotion and protection mechanisms
   - sanctions against violations
   - grievance mechanisms (national human rights institutions)
   - recognition of human rights work
   - strategies for promoting human rights (campaigns, marches, etc.)
   - constraints in promoting human rights

k. success stories of human rights struggle

l. debunking myths about human rights

m. human rights violations
   - who violates, what forms

n. development and human rights
   - role of business corporations
   - international financial institutions

o. human rights workers

p. transcending fear, managing the situation to deal with

q. healing trauma of victims of human rights violations.

d. Methodology

The methodology should start with the real experiences of the children in the classroom, at home, in the neighborhood, and in the community. Such experiences should be facilitated to come out.

Process-oriented approach is the most appropriate methodology for effective human rights education. This approach is described as having the following characteristics:

a. it focuses on the consciousness of the students in the learning process. The students' insights and feelings are important elements of the system;

b. it allows students the space to reflect on experiences and to see how to respond to those that may be violative of human rights;

c. to assure that students are able to have a meaningful grasp of the learning rather than a superficial intellectual understanding, the methodology must be self-pacing and recursive;

d. the learning process enables the teacher to determine the level of human rights consciousness of the students by understanding their beliefs, thinking, feelings, attitudes and habits;

e. the teacher, after drawing out insights from the students, helps them raise their consciousness of human rights to a higher level; and also helps them to think and discuss critically what they have and have not considered;

f. the learning process itself has human rights meaning, it also determines the human rights content to be learned. Thus, the learning process itself needs to be reflected on by the students;

g. it involves continuing qualitative evaluation of the students' improvement and not just quantitative evaluation (examinations). A right mix of the two types of evaluating knowledge acquired will have to be adopted.

e. Teacher training

Teacher training is an appropriate channel for promoting human rights education in schools. Training concerning human

rights education for teachers should include the following components:

1. education in general
   - theory of knowledge
   - theories of learning
   - philosophy of education
2. human rights education
   - human rights education curriculum
   - human rights education as a mission in life/philosophy of human rights education
   - methodology
   - teaching strategies within and outside the school
3. skills
   - human rights integration techniques
   - materials development (including syllabus-making) using easily available resources
   - facilitation skills
4. evaluation systems
   - long and short term effects of human rights education
   - mix of quantitative and qualitative evaluation systems
5. school environment
   - development of democratic, human rights-sensitive, and gender - sensitive school environment
6. teachers' own human rights concerns
   - problems encountered by the teachers such as

- inadequate opportunity to develop skills
- unfavorable working conditions
- low compensation for work required.

Teachers can also be taught about support mechanisms, such as

- networking/ experience exchange among teachers, non-governmental organizations, and government institutions
- use of media (for communication, popularization of human rights such as use of multi-media, theater and arts)
- collaboration with other social institutions (religious or traditional institutions)
- cooperation with parents and the community which can include funding support, and involvement of young people in their capacity as real parents - award/ merit system to improve the political climate supportive of human rights education in schools.

Support structures

It has become clear from the existing experiences in Asia by organizations and schools implementing a human rights education program that the support by other institutions outside the schools is important.

The support structures for human rights education in schools would comprise several elements:

a) the governmental structure (support can be in the form of policy, program and funding on the teaching of human rights in schools). Many programs will develop further even with just a mere formal acceptance and recognition by government. This will take away the apprehension that teaching human rights will only work against the teachers and the schools due to lack

of support from the government;

b) the non-government organizational network (support can be in the form of information, materials, training and assistance in seeking remedies to problems of students raised in the course of human rights education activities). Ideas on how to improve the content (inclusion of relevant human rights issues) and methodology for teaching can be shared by non-governmental organizations which have long history of community education work;

c) the school administrators (support can be in the form of rules and regulations as well as an administrative system that protect and promote the rights of the students and teachers). The prohibition of corporal punishment and the creation of opportunity for students to take part in school decision-making process can be examples of support that puts into practice their human rights knowledge. The adoption of evaluation system of teachers' work that is not only based on quantitative results of examinations can be a a good support for human rights teaching;

d) family (support can be in the form of willingness to acknowledge the need to translate into practical terms inside the family the ideas of human rights). The participation of parents in developing human rights education programs with the teachers in the Philippines is one example;[61] and

e) the society as a whole (support can be in the form of openness of societal institutions - political, social, economic and cultural - to supporting the realization of human rights).

Factors for growth

Despite the differences in the contexts of the human rights education activities in Asia, as far as human rights education in schools is concerned several common factors exist. They can be categorized into the following:

a. close cooperation between the schools, the education ministry, other relevant government agencies, and the human rights institutions (whether government or non-governmental) - in many of the experiences cited there is no single agency which has been developing the curriculum on human rights and related activities. Human rights institutions (either the national human rights institutions or the non-governmental organizations are involved in cooperative effort with relevant government agencies;

b. review of curriculum - existing curricula are generally being reviewed to find out how human rights can be infused, and to take out ideas that are not respectful of human rights;

c. development of materials - a substantial amount of materials have been made such as teachers' manuals, reference materials, sample modules, and other teaching aids in support of human rights education in schools in many countries involved;[62]

d. teacher training requirement - it has been a common experience that mere development of curricula and materials are not sufficient measures to assure the effective teaching of human rights. Thus, programs have been developed for teachers to undergo practical training to be able to familiarize themselves with the concepts and methods involved;

e. monitoring system - due mainly to the fact that human rights education in schools is still relatively new, continuing monitoring of the teaching of human rights is found to be a necessary component to sustain the program and its development.[63]

Another factor that may have to be added to this list is the need to involve the teachers themselves in any of the activities that support human rights education in schools. It should not be a case of "experts" telling teachers what to do. Teachers should have substantial participation in conceptualizing

and developing curricula, materials and teacher training programs.

There are no formulae in having effective programs in teaching human rights in schools. The schools and institutions involved are continuously in search of better systems in teaching human rights in schools.

Problem areas

The progress made by the various institutions in the field of human rights education in schools did not occur without a lot of struggle to overcome a host of obstacles. The idea of human rights education does not easily create a positive image among people.

Human rights is understood in a variety of negative meanings. There are people who think that it is a Western or foreign idea that does not fit into the Asian setting. Some think that it is too individualistic in orientation and therefore goes against the cultures in Asia which emphasize community welfare. And among those who are already involved in human rights education work, some may exclude themselves from being identified as human rights educators. Many groups, for example, in Asia working on issues of marginalized people (bonded labor, women, urban poor, subsistence fisherfolk, subsistence farmers, minorities, etc.) would not classify their organizations as doing human rights work. They would consider only those organizations working on civil and political rights issues (such as problems involving military and police abuses) as human rights groups.

One school in Negros island, Philippines does not want to strongly publicise its human rights education program for fear of negative reactions from some powerful members of society (particularly big landowners who would always suspect the influence of communist groups in activities relating to human rights).

The biggest obstacle, therefore, is the understanding of human rights. Human rights is seen in many ways as a controversial idea that should not be dealt with.

Another obstacle refers to the government officials. There is a strong resistance to adopting human rights education in schools for fear that it will develop anti-government sentiment among students. Among the teachers, the teaching of rights is sometimes seen as a threat to their authority. They fear that learning about rights will make students "rebellious". They would like duties to be emphasized which fits the authoritarian atmosphere of many schools. The undemocratic system within the schools is also a factor in making students lose respect for human rights.

Logistical resources is another problem. There are not enough funds made available to support the development of curricula and materials for teaching human rights. Groups are likewise hampered by the difficulty of disseminating (whether in printed or training form) ideas and materials that have been developed.

The future

Judging from what have been accomplished so far in different countries in Asia, human rights education in schools cannot anymore be ignored. Its growth and extensive spread would depend on the continuation of the efforts to reach out and sincerely dialogue with other schools, government agencies and even private organizations on the real meaning and purpose of human rights education in schools.

Human rights education in schools should present human rights as meant for everyone and not merely for political activists, inclusive of issues such as the rights of the child, women and other sectors, and as a means to enrich the exercise of duties.

Under the aegis of the UN Decade for Human Rights Education, human rights education in schools can be presented as a major step towards creating a human rights culture for all.

The Asia-Pacific Picture

The work of the non-governmental organizations is significant in the field of human rights education in the Asia-Pacific region. Aside from being the pioneer in human rights education work, they remain at the forefront of field work. The new national human rights institutions in the region recognized early on the importance of linking up with the non-governmental organizations. Schools and government education departments in general receive their support.

It is thus to the credit of the non-governmental organizations that their work is now being more widely recognized in the field of human rights education, and that their ideas and approaches are slowly becoming accepted by other institutions in society which are also involved in human rights education.

The days when the ideas being advocated by non-governmental organizations were largely ignored are passé. Now it is time for non-governmental organizations to move to a new level of partnership with other institutions in society.

The development of human rights education activities in the Asia-Pacific region cannot be separated from political-social and economic context. Many initiatives took place in response to the situation obtaining at a certain period of the region's history. As the situation changes, the response likewise changes as can be clearly seen during the last three decades.

A brief review of the major historical factors affecting the development of human rights education can be presented as follows:

a. Dictatorship /Cold War period - 1960-1989

Under this period, there was a rapid growth of NGOs working on human rights issues largely in response to the large-scale violation of human rights. The need for human rights education (then known under different names) is dictated by the need to defend people from human rights violations. Governments were generally free to violate human rights under the guise of maintaining social order or national security - the very argument that supported the Cold War. The espousal of ideas that promote the rights of people to take part in the affairs of government and society (expanded idea of democracy) supported the development of corresponding education principles and methodologies (such as respect for the wisdom of people, and active participation of people in the educational process).

b. UN series of international conferences from Rio to Beijing - 1992-1995

Under this period, there was a rapid growth of another set of human rights institutions, namely the government-supported national institutions such as human rights commissions, legislative committees, human rights offices under the Ministry of Justice, special groups for specific human rights issues (women, children, housing, etc.). Governments began to use the rhetoric of human rights as a reaction to the end of the Cold War. Many governments changed toward more democratic political systems. With the human rights rhetoric among governments, NGOs found a space within which they can link with government or government-supported institutions. This period likewise expanded the area of work for human rights (beyond the civil-political issues and on to environment, development, and other issues).

c. Economic growth and globalization - 1980 - present

Under this period, increasing interaction between NGOs and national institutions began. Most of the NGO-GO cooperation concentrates on specific issues from rights of the child, to gender equality, to environmental protection, to social development, to human rights education. There seems to be a trend toward institution-building - formulation of national policies and programs, training on skills, creation of networks, exchange and development of technologies (sometimes with NGOs as major source of education technologies). This trend reflects the on-going reforms in many governments in terms of political and economic structures.

Institution building is also present at the regional level in at least two cases - the UN supported regional programs in support of human rights, and the regional forum of national human rights institutions. In these regional structures, the role of NGOs is considered important whether as equal partners or mere observers.

The impact of the UN activities overlaps with the impact of the economic development. With the promotion of free trade or open economy, governments are pressed to adopt the rule of law. But this has been interpreted to mean the rule of business law. Many laws that impinge on human rights remain untouched by the changing scenario.

Nevertheless, more and more governments are adopting systems that do respond to some of the human rights issues. While, on the other hand, NGOs and people's organizations continue to develop and adopt human rights education as key program that fits the changing situation. This led them to cooperating with governments and government-supported institutions such as the human rights commissions.

The consequent bloom of opportunities for human rights

education has certainly contributed to the improvement of the human rights situation. Issues regarding child rights, women's rights, rights of those marginalized by development projects, for example, have become the focus of attention of both governments and NGOs in a more different way than it was before. Likewise, as more and more human rights issues become prominent, human rights education programs for these issues became more developed and widespread. Increasing number of NGOs are thus recognized as being involved in human rights education.

The impact of the widening perspective on human rights (breaking away from the purely civil-political rights framework) and the extension of human rights education into the formal education system and the human resource development program for public officials (including the members of security forces) definitely created more awareness on human rights in many societies in Asia-Pacific.

The previous usual domain of human rights education work - the grassroots communities - mainly done by non-governmental organizations, has expanded greatly as a result of the programs of national human rights institutions, schools and the government education departments.

It is significant to note that the development of human rights education in these three fronts - non-governmental organizations, national human rights institutions, and schools - has not been entirely in parallel fashion. There has been much interaction among the three main players in the human rights education field. The pioneering work of non-governmental organizations in using participatory methodologies, in discussing human rights in the context of the present society, in emphasizing the importance of action, in involving the communities in program implementation have become part also of the programs of national human rights institutions and schools. On the other hand, the tendency of these latter two institutions

in putting importance to the production of materials has helped non-governmental organizations develop also their materials for greater public use. And many non-governmental organizations have become involved in the programs of the other two institutions either to assist in developing programs or as sources of resource persons and information.

In the context of the UN Decade for Human Rights Education, the on-going linkages among these three institutions (and other institutions which may exist) is a major factor in attaining the goal of wide public awareness and action on human rights. It only proves that no one institution has the capability to singularly promote human rights in any society. Different institutions have to play a role. The varying perspectives and situations that these institutions respectively represent are essential requirements in keeping human rights education programs relevant, able to build confidence among people in realizing human rights, develop consciousness toward action, and use systems that are pedagogically and substantively entered on participants.

This leads to the issue of continuity and spread. While numerous programs have been developed and implemented over a long period of time, there is still no assurance that these initiatives will continue to spread to more areas and cover more people in the future. Non-governmental organizations are perennially suffering from funding limitation. National human rights institutions still need to develop programs and expertise in human rights education. Many schools suffer from various forms of restrictions in teaching human rights. In all these cases, the institutionalization of human rights education is not yet firmly done, it has just begun.

This issue is important since it addresses a basic element in human rights education - progressing educational process. Behavioral impact is not measured by looking simply at the immediate reaction of participants while the educational activity

is going on but by knowing how they behave in their more natural setting - at home, in the workplace and in public areas. Reinforcement of the learnings is always a key factor to maintain behavioral change. At the present time of fast changing political and economic situations in Asia-Pacific, human rights education plays a big role in helping people adjust to the new situation in terms of protecting their rights.

What is important, therefore, is a more extensive inventory of the experiences, the ideas developed, the materials made, the skills acquired, the expertise obtained during the whole period of human rights education work. From there, the need for human and material resources can be partly (if not significantly) answered. There is no more room for reinvesting the wheel. But there is so much space for connecting all the available human rights education initiatives and forming a comprehensive human rights education effort. The time is now for linking and moving toward the same direction.

Endnotes

1. *'Bangkok NGO Declaration on Human Rights, statement of the Asia-Pacific NCO Conference on Human Rights,' Bangkok, Thailand, 1993 in Our Voice - Bangkok NGO Declaration on Human Rights, ACFOD, Bangkok, page 204.*

2. *Final Document of the Conference-Workshop on "Asia-Pacific Human Rights Education for Development', Batingaw, Commission of Human Rights newsletter, January, February, March 1996, Pasig city, Philippines.*

3. *Rethinking Human Rights Education Strategies to Challenge Present Asian Realities - A Regional Consultation cum Workshop Report on Human Rights Education, Asian Regional Resource Center for Human Rights Education, 1994, Bangkok, Thailand.*

4. *The Right to Human Rights Education, a report of the Workshop on Asia-Pacific Human Rights Education: Tasks for the UN Decade for Human Rights Education (1995-2004) in*

the Asia-pacific Region, Australian Human Rights Information Centre and Diplomacy Training Program, University of New South Wales, Sydney, NSW, Australia, March 1997.

5. *Note number 10, "Human Rights and Cultural Values - A Literature Review," 1997 in Human Rights in Asian Cultures. - Continuity and Change , New Delhi and Osaka, HURIGHTS OSAKA. The United Nations has been sponsoring the workshops on the Regional Arrangements in the Asia-Pacific. The list of principles mentioned here are taken from these workshops. Additional principles are taken from the human rights symposia held in Tokyo and organized by the Ministry of Foreign Affairs of Japan and the United Nations University.*

6. *The United Nations sponsor the yearly intergovernmental workshop on regional arrangement on human rights for the Asia-Pacific. The latest workshop was held in Tehran, Iran on February 28- to March 2,1998.*

7. *See "Rethinking Human Rights Education Strategies to Challenge Present Asian Realities - A Regional Consultation cum Workshop Report on Human Rights Education, 'op. cit.*

8. *See A Survey of On-going Human Rights Education in Asia-Pacific, Asian Regional Resource Centre for Human Rights Education. Bangkok, Thailand, 1995.*

9. *See Jefferson R. Plantilla, 'Asian Experiences on Human Rights Education' in A Survey of On-going Human Rights Education in Asia-Pacific, ibid.*

10. *See A Handbook on Training Paralegals, 1988, International Commission of jurists, Geneva, Switzerland.*

11. *Ibid., page 7.*

12. *Ibid.*

13. *See Barangay Human Rights Action Center Handbook, Commission on Human Rights and Friedrich Ebert Stiftung, 1996, Pasig city, Philippines.*

14. *See Status Report of on Technical Cooperation Programme and Project Activities (11th issue), United Nations Voluntary*

Fund for Technical Cooperation in the Field of Human Rights, UN Office of the High Commissioner for Human Rights, Geneva, 30 April 1998.

15. *See brochure of the National Law School of India University on Paralegal Course On: Accessing 'Social and Economic Rights of the Poor, June 3-7,1995.*

16. *See Stephen Golub, Democratizing Access to Justice: Philippine Developmental Legal Services and the Patrimonial State, 1994, unpublished, San Francisco, California, USA, pages 104-109.*

17. *Ibid, page 109.*

18. *See Jefferson R. Plantilla, Regional Human Rights Education Initiatives: Report on a Meeting on Human Rights Education," HURIGFM OSAKA newsletter. vol. 2, November 1995, Osaka, Japan.*

19. *This part is the edited version of the paper originally submitted in the Preliminary Meeting on National Human Rights Commissions held on March 13-16, 1996 in Hong Kong by the Asian Human Rights Commission, a regional non-governmental organization.*

20. *See Statement of Conclusions of the Third Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions held in Jakarta on September 7-9, 1998.*

21. *See "The Larrakia Declaration,' First Asia-Pacific Regional Workshop of National Human Rights Institutions, Darwin, Australia, July 8-10,1996.*

22. *See Concluding Statement, Second Asia-Pacific Regional Workshop of National Human Rights Institutions, New Delhi, India, September 10-12,1997.*

23. *The Protection of Human Rights Act, 1993, Chapter III, Section 12.*

24. *National Human Rights Commission, Annual Reports of 1993-1994 and 1994-1995, New Delhi, India.*

25. *Annual Report 1994, The National Commission on Human Rights Indonesia, Jakarta, Indonesia. page 5.*

26. *Annual Report 1995, The National Commission on Human Rights Indonesia, Jakarta, Indoryesia, page 8.*

27. *The Indonesian National Plan of Action on Human Rights (1998-2003), National Commission on Human Rights Indonesia, Jakarta, June 25, 1998, page 4.*

28. *Ibid., pages 10-12.*

29. *Section 18, Article XIII, 1987 Constitution of the Philippines.*

30. *Summary of Statistical Information - 1988 - Ist Quarter 1995, Commission on Human Rights Philippines, Pasig city, Metro Manila, Philippines.*

31. *Memorandum of Agreement Between the Commission on Human Rights, Department of Interior and Local Government, and the Department of Justice, December 1994, Pasig city, Metro Manila, Philippines.*

32. *Memorandum Order No. 259 (February 7,1995) - Requiring Human Rights Education and Training of Law Enforcement, Police, Military and Prison Personnel issued by the President of the Philippines to the Department of Interior and Local Government, the Department of justice and the Department of National Defense, Manila, Philippines.*

33. *Memorandum of Agreement Between LICA ng mga Barangay, Department of Interior and Local Government and the Commission on Human Rights, November 16, 1994, Pasig city, Metro Manila, Philippines.*

34. *Report of the Commission on Human Rights Philippines, Pasig city, Metro Manila, Philippines.*

35. *See 1987-1996 Decade Report, Commission on Human Rights, 1998, Quezon city, Philippines, pages 24-25.*

36. *Wong Kai Shing, 'The Preliminary Report on National Human Rights Commissions in Asia", Asian Commission on Human Rights, Hong Kong 1995.*

37. *Annual Report 1997-1998, Human Rights and Equal Opportunity (Sydney: HREOC, 1998) 87-88.*

38. *IIbid., 164,140*

39. *See Report of the Human Rights Commission and the Office of the Race Relations Conciliator, June 30,1995, Auckland, New Zealand.*

40. *See Annual Report 1995, op. cit, page, 36.*

41. *Laksiri Fernando, "Human Rights Education in Schools: Some Aspects of Sri Lankan Experience," in Human Rights Education in Asian Schools, HURIGHTS OSAKA, Osaka, Japan, 1998, page 36.*

42. *See Human Rights Centre, Sri Lanka Foundation annual report for 1996.*

43. *Piyadasa Ranpathwila, "Human Rights Education in Schools. The Experience of the Centre for the Study of Human Rights," in Human Rights Education in Asian Schools, op. cit.*

44. *HU'RIGHTS OSAKA, "Government Human Rights Work - National Human Rights Institution," in Human Rights in Asian Cultures-Continuity and Change, Jefferson R. Plantilla and Sebasti L. Raj, eds., Asia-Pacific Human Rights Information Center, 1997, Osaka, Japan, page, 334.*

45. *See Dr. Nguyen Duc Quang, "Education of Rights and Obligations of a Citizen for Secondary School Students of Vietnam,' National Institute of Educational Science, Hanoi, Vietnam, paper presented at the Southeast Asia Workshop in Human Rights Education in Schools, May 14-17,1998, Universitas Surabaya, Surabaya, Indonesia.*

46. *Valai na Pombejr, 'HRE in Associated Schools Project in Thailand,' Human Rights Education in Asian Schools, HURIGHTS OSAKA, op. cit.,*

47. *HURIGHTS OSAKA, 'Government Human Rights Work: The Case of National Human Rights Institutions,' in Plantilla and Raj, op, cit., 346-347.*

48. *See brochure of APNIEVE (Bangkok.. 1995).*

49. *Sebasti L. Raj and Bansidhar Pradhan, "Human Rights and Indian Cultural Values," op cit., pages 91-92; see also V.S. Mani, "Human Rights Teaching in Indian Universities: An Overview," and R.V.V. Ayyar, 'The Human Rights Agenda in Higher Education," Seminar on Human Rights Education and National Institutions, Canadian Human Rights Foundation, February 1996, pages 81-108. The following Indian Universities have started human rights courses: Bombay, Burdwan, Cochin, Dumka, Guwahati, Lucknow, Pune, Punjab, Tirupathi, Utkal, Varanasi and the National Law School in Bangalore. Also, the Indian University Grants Commission has identified a number of universities to assists in establishing facilities for teaching human rights: Andhra, Jammu, Aligarh Muslim, Cochin, Banaras Hindu, Delhi, Rajasthan, Karnataka, Kurukshetra and Punjab.*

50. *Fernando, op cit., page 38.*

51. *Janet C. Atutubo, "Inroads to the Philippine Formal Education System: the jose W. Diokno Experience," in Human Rights Education in Asian Schools, op cit., page 128.*

52. *MengHo Leang, "Human Rights Education in Cambodian Schools: the Experience of the Last Three Years," in Human Rights Education in Asian Schools, op cit., page 107.*

53. *Note for example the situation in Indonesia where the teaching on human rights is seen as being covered by the teaching of the Pancasila (the national ideology). See Sapatnah Sadli, "Notes on Human Rights Education in Schools," in Human Rights Education in Asian Schools, HURIGHTS OSAKA, op. cit., page 122, and Djoehana Oka, 'Human Rights Education in the Primary School,' paper presented at the Southeast Asia Workshop on Human Rights Education in Schools, May 14-17,1998 Universitas Surabaya, Surabaya, Indonesia.*

54. *See Quang op. cit.*

55. *See Oka, op. cit.*

56. *A.K. Sharma, "Education for Human Rights and Democracy in*

Indian Schools," Report on the Sen-dnar on Human Rights Education and National Institutions, op. cit., pages 37. Also Fernando, op. cit., pages 33-34.

57. *See Mavic Villena, 'Mathematics and Human Rights," Philippine Normal University, June 1997, Manila, Philippines.*

58. *Quejada and Obinario, op cit., page 214.*

59. *Toru Sasaki, "Human Rights Education in Kunijima High school," Report on Regional Meeting on Human Rights Education, HURIGHTS OSAKA, Child Rights ASIANET, and Asian Regional Resource Center for Human Rights Education, Septernber 23-25,1997, Bangkok, Thailand.*

60. *See Initial Reports of the Southeast, Northeast and South Asia Workshops, - 1998 (Osaka: HURIGHTS OSAKA, November 1998).*

61. *The Philippines' DECS has the Parents and Educators Empowerment Program on Human Rights (PEEP) which includes the forum for parents, students and teachers. See Nerissa Losaria-Lansangan, 'Parents and Educators Empowerment Program on Human Rights (PEEP)," paper submitted in the Asian Regional Workshop on Human rights Education in Schools organized by HURIGH'FS OSAKA on November 24-26,1998 in Osaka, Japan.*

62. *HMGHTS OSAKA for example listed some of the these materials as follows:*

    a. *Pamphlets on Civics Education Nos. 8Y9 1.2, 1997 (Vietnamese language) - National Institute of Educational Science, Vietnarn*

    b. *Teaching Modules - Years 1 - 1 1 (Khmer Language) What are Human Rights Violations? - Universal Declaration of Human Rights (Khmer Language) Human Rights Summary (For Teachers) (Khmer Language) Human Rights in Action - Society and Women (Khmer Language) Human Rights, Democracy and the Culture of Peace (Khmer Language) - Cambodian Institute for Human Rig*

c. *Mathematics and Human Rights (Mavic Villena) - Philippine Normal University*

d. *Evaluating Human Rights Learning - Teachers Manual Multi-Media Package for Teaching Human Rights in Secondary Schools 1994/1995 - National Institute of Education, Sri Lanka*

e. *Human Rights and National Values - Self-Learning Module (for Teacher Educators) - National Council for Teacher Education- India*

f. *Human Rights - A Source Book - National Council of Educational Research and Training - India*

g. *Understanding Human Rights - A Handbook for Animators - Justice and Peace Commission, Mumbai, India*

h. *Sample Teaching Exemplars on various subjects (to be published into one collection) - DECS - Philippines*

i. *Shopping List of Techniques in Teaching Human Rights - Amnesty International Pilipines*

j. *Various teaching modules for elementary and highschool levels (to be published into one collection) - The Jose W. Diokno Foundation*

63. *See HURIGHTS OSAKA, 'Learnings from the Asian Experience,' in Human Rights Education in Asian Schools, op cit. for a more extensive discussion on the factors that may promote human rights education in the Asian setting.*

References

1. *Our Voice - Bangkok NCO Declaration on Human Riglits, 1993. Bangkok: Asian Cultural Forum on Development.*

2. *Final Document of the Conference-Workshop on "Asia-Pacific Human Rights Education for Development." 1995. Batingaw,, January, February, March, 1996, Pasig city: Commission of Human Rights (Philippines).*

3. *Asian Regional Resource Center for Human Rights Education, 1994. Rethinking Human Rights Education Strategies to Challenge Present*

Asian Realities - A Regional Consultation cum Workshop Report on Human Rights Education. Bangkok: ARRC.

4. *1995. A Survey of On-goingHut?ian Rights Education in Asia-Pacific. Bangkok:*

5. *A.RRC.*

6. *Plantilla, Jefferson R. and Raj, Sebasti L, eds. 1997. Human Rights in Asian Cultures - Continuity and Change. New Delhi and Osaka: HURIGHTS OSAKA.*

7. *HURIGFM OSAKA, 1998. Human Rights Education in Asian Schools. Osaka,: HURIGHTS OSAKA.*

8. *1997. Report on Regional Meeting on Human Rights Education. Osaka: HURIGHTS OSAKA, Child Rights Asianet, and Asian Regional Resource Center for Human Rights Education.*

10

Human Rights Education in the Pacific

Chaitanya Lakshman

Introduction

As we reflect on the human rights education needs of our region I am reminded that most people of the Pacific, who live in a region that comprises one third of the globe, generally do not have access to the international human rights system. This is because few fully independent countries in the Pacific have acceded to/ratified the six major international human rights instruments:

The major human rights treaties are[1]:-

- the International Convention on the Elimination of all Forms of Racial Discrimination (CERD) 1965;
- the International Covenant on Civil and Political Rights (ICCPR) 1966;
- the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966;
- the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) 1979;
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1984:
- the Convention on the Rights of the Child (CRC) 1989.

Of the fourteen independent countries in the Pacific, only two have ratified the ICCPR and only three have ratified the ICESCR. The ICCPR and the ICESCR, combined with the

Universal Declaration of Human Rights, make up the international Bill of Rights. The protections offered by these important instruments are generally available only in independent countries, in territories still under colonial rule, or in countries who have chosen a self-governing relationship with their former trustee/colonial power namely:

- Tokelau through New Zealand (Aotearoa);[2]
- New Caledoria (Kanaki), French Polynesia (Te Ao Maohi) and Wallis and Futuna through the Republic of France;[3]
- Guam Hawaii, Northern Marianas and American Samoa through the United States of America;[4]
- Pitcarin Islands through the United Kingdom;
- Easter Island (Rapanui) through Chile;[5]
- Solomon Islands;[6]
- Pitcarin through the United Kingdom[7].

Of the other major human rights instruments only the Convention on the Rights of the Child (CRC) has been ratified/ acceded to by all the independent countries in the Pacific.[8]

The Convention on the Elimination of Discrimination Against Women.[9] Fiji is one of the few countries to have done so.[10] The other countries/territories, excluding Australia and New Zealand (Aotearoa), who have acceded/ratified or are bound by it are Sam[6] Vanuatu, Papua New Guinea, Cook Islands, Niue and Tokelau, the French Territories of New Caledonia (Kanaki), French Polynesia (Te Ao Maohi) and Wallis and Futuna.[11]

Only six Pacific states have ratified the International Convention on the Elimination of all forms of Racial Discrimination (CERD), namely New Zealand and Tonga in 1972, Fiji in 1973, Australia in 1975, Papua New Guinea and the Solomon Islands in 1982.

Are Pacific States committed to Human Rights?

There is currently no combined regional state commitment to human rights or to the Universal Declaration of Human Rights as a common standard of achievement for all pacific peoples and nations. A demonstration of this reality is the Final Forum Communique of the Ninth South Pacific Forum, Pohnipei, Federated States of Micronesia 24-25 August 1998. In this statement there is no mention of the 50th Anniversary and regional leaders at the Forum made no renewed commitment to the Universal Declaration of Human Rights.

What we have in the Pacific are a number of constitutions that contain provisions recognising the existence, without discrimination by reason of race, national origin, colour, religion, opinion, belief, or sex, of fundamental human rights and freedoms.[12] New Zealand, while not having a written Constitution, does have the New Zealand Bill of Rights Act 1990 and through judicial activism in the Court of Appeal (led by the previous President, Lord Cooke of Thorndon) the 1990 Act has assumed a quasi constitutional Status.[13] Australia has a human rights and racial discrimination legislation.

In addition to the Constitutions, there are eight Pacific countries (including Australia and New Zealand) which have Ombudsman's Offices and three countries with human rights institutions (including Australia and New Zealand).

Human Rights Violations

National constitutions and institutions in the Pacific are not protecting the human rights of citizens of the Pacific. Human rights violations continue to occur. These violations include abuse of police powers, failure to meet minimal standards relating to the rights of prisoners, militarisation and its use against civilian communities, violence against women, abuse of children and young people, limitation of free speech and media freedom discrimination based on gender, disability

(including MYIAIDS status), age, minority status or discrimination against immigrants, migrant workers or indigenous peoples have to be considered. Fourteen other human rights violations are occurring in the economic, social and cultural sphere." There is also hardship being caused by the decreasing levels of aid from developed countries thus impacting on the right to development for the third world countries in the region.[16]

Pacific Governments have been more concerned about environmental human rights related issues not expressly mentioned in the Universal Declaration of Human Rights but which are related to the economic, social and cultural rights therein declared. These concerns relate to environmental degradation, nuclear testing and contamination of island sites, the transportation of hazardous waste, over fishing by foreign vessels, climatic change and rising sea levels.[17]

Human Rights Education

It is now commonly accepted that what is needed in the Pacific is good human rights education. To this end there are many civil society organisations, churches and inter-governmental agencies promoting and protecting human rights through the development of education programmes to achieve common standards in the sector areas or specific issue related work that they focus on. However, there is no regional organisation working on human rights generally.

Consequently, the initiative taken by the Commonwealth Secretariat to organise in 1996 a Workshop on Human Rights Education and Training held in Port Vila, Vanuatu was long over due. During the Workshop, 50 participants from throughout the Pacific developed an action plan for human rights education in the Pacific. At the meeting in Vanuatu it was resolved that the Pacific needed a Pacific Charter of Human Rights. Participants also recommended the establishment of a South

Pacific Centre for Human Rights and that:

- it be representative of nations and NGOs in the region; it should have a permanent secretariat;
- it should be the regional focal point for the dissemination of information and
- resources throughout the region and externally; and
- it be located at Port Vila within the Institute of Justice and Applied Legal Studies (IJALS)
- (UALS), University of the South Pacific.

IJALS is co-ordinating the move to establish this Centre and with monitoring the implementation of the action plan and Ms Wickliffe, a Commonwealth Technical Fund for Co-operation Fellow in Human Rights Education based at IJALS is working on this project. Ms Wickliffe's positions are to:

- Provide advice to USP, the Department of Law and IJALS on all matters relating to human rights education;
- Consult, liaise with and assist members of the legal profession, judiciary, government service, donor agencies and community groups in order to identify their respective needs in terms of human rights education;
- Monitor and report on the legal obligations of individual jurisdictions in the region in terms of national and international law;
- Develop a resource base from which human rights education material can be accessed;
- Assist in the development and teaching of courses on the Law Programme at USP that are concerned with human rights education;
- Develop a set of materials, specific to the region, that will aid the development of human rights education;

Provide training and support for those engaged in human rights education.

Since her appointment, IJALS has held one further regional meeting to discuss how to progress the Pacific Centre for Human Rights and a number of meetings of the advisory committee established to complete the establishment process. Due to her commitments she was unable to come to attend this meeting and I have come in her place as her counter-part.

The reasons we have identifiedd for such a Centre include:

1. Excluding Australia and New Zealand, only Fiji has a Human Rights Commission in the Pacific, therefore, there is limited national capacity and no regional inter-governmental organisation or NGO generally responsible for promoting, protecting, monitoring and advocating for human rights and human rights education in the Pacific.

2. Those human rights organisations that do exist are sector or group specific - an example includes the British Department of Foreign Investment and Development (DFID) and the Pacific Regional Human Rights Education Resource Team (RRRT) which focuses on gender, women and children;

3. Outside of Papua New Gunea, Fiji and the Solomon Islands, all other countries of the Pacific have populations of less than 300,000 making them too small to be able to establish effective national human rights institutions. Having a regional organisation will be a more sustainable way of meeting the needs of the region;

4. Churches, NGOs, academics and civil society sector generally agree that a Centre is needed;

5. Work on developing a regional human rights instrument is needed as the Asia/Pacific region remains the last area of the globe with no regional instrument;

6. Governments need legal advice on signing international human rights instruments; they need the training to be able to implement human rights instruments- they also need to know how to draft legislation incorporating the international instruments into domestic law.

Fee money generated from project work has been used by IJALS to develop a Discussion Document that has been circulated to over 300 civil society organisations and churches throughout Melanesia, Micronesia and Polynesia. It has also been sent to the Heads of Governments of all Pacific States that are members of the South Pacific Forum and the Pacific Community (South Pacific Commission). Through this process IJALS and the Advisory Committee are attempting to obtain the views of Pacific peoples and Governments on whether we need a Centre, where it should be located and what it should do.

While IJALS has not sent the Discussion Document to a large number of Australian and New Zealand civil society organisations, it has circulated the booklet to the respective national human rights institutions in each country and the heads of state.

Other human rights education projects that UALS and the School of Law at the University of the South Pacific have started and/or completed include:

- Disability Law and Policy in Fiji;
- Under-graduate law course on personal rights;
- Over 60 hours human rights skills training for law graduates included in the Professional Legal Practice Diploma Course;
- Judicial training development;
- Community Legal Literacy to be taught by satellite in the twelve countries of the USP region. This modular

certificate will have a significant human rights component. A Fellow in Community Legal Literacy is soon to be appointed. This person will work with Caren Wickliffe on the development of course material;

- Teaching on a USPIRRRT Legal Literacy Workshop for Rural Women;
- Regional HIV/AIDS Human Rights, Law and Ethics Project;
- Conference and Published Proceedings on the Importance of National Human Rights Institutions (Fiji);
- Regional research into the state of civil society in all fifteen Commonwealth Countries. This research will provide an informed country by country picture of what human rights education is needed.
- Lectures and Conference Papers on Cultural Rights, Indigenous Peoples and the Collective Right to Self-determination in the Pacific, Human Rights - Human Values, The Rights of Women and Children etc.

How Will the Pacific Centre for Human Rights Education advance Human Rights Education in the Pacific?

The objectives and activities of the Centre would include:

- human rights education projects that are sector specific;
- development of a school curriculum;
- development of courses on legislative drafting;
- broad campaigns to encourage countries to sign international human rights instruments;
- training for key stakeholders such as personae, police, prison wardens, judiciary, attorney-general's offices, inter-governmental agencies etc;
- continuation of the development of community legal

literacy programmes for distance and face to face teaching;

- facilitate conferences, seminars etc. publication of human rights materials;
- ensure Pacific presence at major international and regional human rights forums;
- capacity building for existing institutions and organisations.

One of most important jobs for the Pacific Centre for Human Rights would be to continue to work on a Pacific Charter of Human and Peoples Rights and Duties that will elaborate on the Declaration and other human rights instruments and developments in the context of the Pacific.

The Charter would lead to the establishment of a Pacific Commission or Court to hear complaints from states, peoples and individuals who allege violations of their rights under the Charter. This regional mechanism is needed to ensure the promotion and protection of human rights in the Pacific.

There has been one significant attempt lead by LAWASIA to adopt a Draft Pacific Charter of Human Rights but this attempt failed. A full discussion on the process used to gain Pacific acceptance of this instrument is to be found in the 1992 Victoria University of Wellington Law Review. The text of the draft appears to be a well-considered document consistent with other international and regional human rights instruments and Pacific national constitutions.

The draft even has a section on individual rights, economic, social and cultural rights, the rights of indigenous peoples and a section on the duties of the individual. In this last respect, article 29 of the draft provides that individuals have the duty:

To preserve harmonious development of the family and to work for its cohesion and respect;

To work to the best of their abilities and competence, to use their skills and abilities for the betterment of their communities, and to pay taxes imposed by law in accordance with their means and in the interests of their society;

To preserve and strengthen positive Pacific cultural values in their relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the well being of society.

Perhaps the flaw in LAWASIA's initiative was in not providing a space or enough resources to ensure that Pacific peoples could internalise and own the discourse of regional human rights.

Are there any problems in advancing human rights education?

There are problems. As yet, there is little commitment from Pacific states to international human rights instruments and no serious debate among the leaders about a regional instrument has occurred. In general, Pacific Governments, excluding Australia and New Zealand, have been slow to respond to calls from the international community to sign, accede to or ratify international or regional human rights instruments.[19] The reason why Pacific governments have been slow to respond to these calls may relate to a misconception of what human rights are or a long standing perception that human rights are only about individual civil and political rights. As in other parts of the world, there have been criticisms of the international human rights framework as one that reflects popular western culture (the cultural relativism debate), internationalisation and globalisation.[20] In the main there is a perception that the international human rights regime to be western in origin. To a degree this view is valid because of the

unbalanced emphasis in the part on individual rights and freedoms.[21] There was little attention given to collective rights and duties - concepts that fit easily within Pacific cultures.[22] The dangers of ignoring the discourse on cultural relativism or taking an extremist position on the issue have been identified by the World Commission on Culture and Development[23] and by Imrana Jalal in her excellent work *Law for Pacific Women*[24] where she examines the detrimental aspects of some customs on the rights of women.

However, no one can ignore the central role culture plays in determining the way people in the Pacific relate to each other and their communities. It provides the essential insight into the way people live together. It can either assist or hinder the promotion and protection of human rights.

There is a need to advance the discussions on human rights in the Pacific by illustrating the relevance of human rights and values to all Pacific peoples. As culture pervades the entire way of life of all Pacific peoples, cultural is the answer to promoting respect for human rights and advancing the Universal Declaration of Human Rights as a common standard.

What is needed is a programme that would seek to better inform our knowledge of the way culture impacts on the interpretation and exercise of human rights in the Pacific. It would seek to take a holistic approach to all rights and responsibilities by reassessing what is the bestby human rights in the Pacific. It would provide opportunities for Pacific Peoples to develop a regional philosophy of rights and responsibilities.

As a human rights education project, the programme would facilitate forums across the spectrum of communities and stakeholders in the Pacific to identify the basic principles that underpin how Pacific cultures protect the inherent human dignity and well being of individuals and communities.

At these forums participants would be asked to discuss

the positive nature of cultures in promoting respect for the well-being of people and in particular the elderly, women, children, people with disabilities and other sector groups. The aim would be to identify core principles which underpin Pacific Peoples values and norms and cultural rights concerning:

- cultural notions of spirituality and its importance to the well-being of individuals and communities;
- cultural relationships with the environment and how that relationship enhances the well - being ofindividuals and communities;
- how Pacific cultures sustainably managed resources for the well-being of present and future generations;
- cultural relationships that promote well-being among people;
- cultural forms of leadership - traditional and customary;
- political consensus building on issues that concern the well-being of individuals and communities;
- Models for Political, cultural, social and economic development for individuals and communities;
- Protecting and Promoting the well-being of the weak and vulnerable in Pacific Communities, particularly women, children, young people and people with disabilities;
- the cultural roles of women and men in Pacific cultures;
- modes of transmitting knowledge;
- conflict resolution between individuals or communities;
- the role of customs and customary law in promoting and protecting the well-being of individuals and communities;

forms of regulating behaviour between individuals and communities.

Traditional and cultural experts supported by academics, and civil society organisations including the churches, religious leaders and the NGO sector would lead the fora. All Pacific Peoples would be represented in these forums including the indigenous peoples of Aotearoa, Australia, the French, American and Chilean territories.

At the national level, the forums could produce statements of guiding principles and an inventory of identified human and peoples rights that will form the basis for discussions at the regional level. Participants at the regional meeting would be required to build a consensus around the relevant principles that should be utilised in drafting a regional human rights instrument. They would also be asked to determine what mechanism should he in place to ensure the legal enforceability of the rights and responsibilities. The inventory of rights would guide the drafting of a regional instrument.

After consensus building at the regional level on the principles that should guide deliberations then it would develop the regional statement into a human rights instrument, namely the Pacific Charter of Human and Peoples Rights and Duties. This Charter would authorise the establishment of a Pacific Commission or Court. It could hear complaints from states, nations, individuals and peoples from throughout the region whose rights under the Charter may have been violated. At the time the regional meeting for the Culture and Human Rights Project takes place the LAWASIA text may be referred to, adopted, amended and/or new provisions inserted or it may discarded totally in favour of a new text.

What else needs to be done?

There is a need to collaborate with other pacific civil society and human rights organizations. In this respect there is much

to learn from organizations such as the Pacific Concerns Resource Centre, PLANGO, the Pacific Regional Human Rights Education Resource Team (RRRT), Pacific YWCA, intergovernmental agencies such as the Pacific Community and the South Pacific Forum, UNESCO, UNICEF, UNIFW ILO, WHO, the churches through the Pacific Conference of Churches and academic teaching at country and regional universities.

There is also a need for Governments such as Australia and New Zealand to be far more active in promoting human rights during their discussions with their Pacific colleagues.

UNESCO too has a role to play in initiating and advancing progrmmes such as the culture and human rights programme.

Conclusion

We, who work on human rights within the region need to collaborate together to advance the Universal Declaration of Human Rights as a common standard of achievement for all peoples, individuals and nations of the Pacific. The challenge for this meeting is to recommend strategies for human rights education that are relevant and meaningful to the region.

It is, therefore, recommended that this meeting resolve to support:

1) *the establishment of a Pacific Centre for Human Rights,.*

2) *the development of regional human and peoples rights instrument*

3) *the culture and human rights programme detailed above.*

I would like to take this opportunity to thank the organizers for inviting IJALS to participate in this meeting.

References

1. *Above n. 1, 242-244.*
2. *New Zealand ratified the ICCPR and the ICESCR on 28 December, 1978. It ratified the two Optional Protocols of the ICCPR on 5 May 1989. Note also that Australia ratified the ICCPR on 13 August 1980 and the ICESCR on 10 December 1975. Australia ratified the First Optional Protocol to the ICCPR on 24 September 1991 and the Second Optional Protocol on 1 October 1990.*
3. *The Republic of France acceded to the ICCPR and the ICESCR on 4 November 1980 but it has not acceded to the Optional Protocols.*
4. *The USA signed the ICESCR on 5 October 1977 but has not ratified it. It signed and ratified the ICCPR (5.October 1977/ 8 January 1992) but it has not acceded to the two Optional Protocols of the ICCPR.*
5. *Chile ratified the ICCPR and the ICESCR 10 February 1972.*
6. *Solomon Islands acceded to the ICESCR by succession on 17 March 1976 but not the ICCPR.*
7. *The United Kingdom ratified the ICCPR and the ICESCR on 20 May 1976.*
8. *There are 191 parties to the CRC. The dates of ratification and/or accession for Pacific countries/territories, excluding Australia and New Zealand, are Cook Islands (6 June 1997, with reservations); Fiji (2 July 1993/ 13 August 1993); Kiribati (11 December 1995, with reservations); Marshall Islands (14 April 1993/ 4 October 1993) Federated States of Micronesia (5 May 1993) Nauru (27 July 1994); Niue (20 December 1998); Palau (4 August 1995); Samoa (30 September 1990/29 November 1994, with reservations); Solomon Islands (10 April 1995); Tokelau through New Zealand (1 October 1990/ 6 April 1993 with reservations); Tonga (6 November 1995); Tuvalu (22 November 1995); Vanuatu (30 September 1990/ 7 July 1993); the French Territories of New Caledonia (Kanaki), French Polynesia (Te Ao Maohi) and Wallis and Futuna (26 January 1990/ 7 August 1990, with reservations). NB an amendment to art 43(2) of the CRC has been acceded to by Fiji 20 August 1997 but is not yet in force.*
9. *This is to be compared to their commitment to the CRC. At ft end of 1997 there were 162 State Parties to CEDAW, a number not too far below the number of State Parties to the CRC.*
10. *Fiji acceded on 28 August 1994 with reservations to arts.5(a) and (9).*
11. *Samoa (25 September 1992); Vanuatu (8 September 1992); Papua*

New Guinea (12 June 1995); Cook Islands, Niue and Tokelau through New Zealand (17 July 1980110 January 1985); the French Territories through the Republic of France (17 July 1980/ 14 December 1983).

12. *As an example the Constitution of Tuvalu Part-II; the Constitution of the Cook Islands ss. 64-66; Constitution of Easter Island (Rapanui); the Constitution of the State of Hawaii art. 1; the Constitution of the Independent State of Western Samoa Part II the Constitution of the Independent State of Papua New Guinea art 5; the Constitution of the Solomon Islands ch. II; the Constitution of Vanuatu ch. II; the Constitution of Kiribati ch.II; the Constitution of Nauru Part II; cf. the New Zealand Bill of Rights Act 1990.*

13. *Rishwofth P. Lord Cooke and the Bill of Rights in Rishworth P. (ed) The Struggle for Simplicity.. Essays for Lord Cooke of Thorndon (Butterworths, Wellington, 1997) 295 for a discussion on the nature and extent of this activism 330.*

14. *See US Department of State Reports on Human Rights Practices for 1997 for Papua New Guinea, Tonga, Samoa, Solomon Islands, Palau, Nauru, the Federated States of Micronesia, Marshall Islands, Kiribati, Fiji, Vanuatu @ http://www. state.gov/www/global/humanrights/ 1997_hrp_report; see also Amnesty International Report ASA 12102198, March 1998 Australia, Silence on Human Rights: Government Responds to "Stolen Inquiry on line at hht:/ www. amnesty. org/ailin/ aipub/1998/ASA/ 3120000298.htm; on the rights of people with disabilities see C. Wickliffe and B. Mani Disability Law and Policy - Fiji Report Fiji (Disabled Peoples Association and IJALS, University of the South Pacific, 1998); also see on the rights of indigenous peoples D. Robie blood on their banner - Nationalistic Struggles in the South Pacific (Pluto Press, Australia 1989).*

15. *See as examples of discussions on violations of economic, social and cultural rights UNDP Fiji Poverty Report (UNDP and Government of Fiji, 1997); G. Chand and V. Naidu Fiji: Coups, Crises, and Reconciliation 1987-1997 (Fiji Institute of Applied Studies, USP, Suva, 1997); A. Mead "Misappropriation of Indigenous Knowledge: The Next Wave of Colonisation in Pacific Concerns Resource Centre Proceedings of the Indigenous Peoples' Knowledge and Intellectual Property Rights Consultation 24-27 April 1995, Suva, Fiji (Government Print 1997) 153.*

16. *See articles on the right to development USP Education in Small Island States (USP Department of Education, Revised edition 1997).*

17. *See for example the Final Form Communique of the Ninth South Pacific*

Forum, Pohnipei, Federated States of Micronesia 24-25 August 1998.

18. *See full discussion in 'Report on a proposed Pacific Chapter of Human Rights prepared under the auspices of LAWASIA, May, 1989' (1992) VUWLR/Monograph 4.*

19. *See UN Human Rights International Instruments Chart of Ratifications as at 31 December 1997, UN Doc. ST/HR/4/Rev. 16.*

20. *For a selection of materials on this topic from other parts of the world see H. Seiner and P. Alston (eds.) International Human Rights Law in Context, Law Politics, Morals (Oxford University Press, USA, 1996) ch.4.*

21. *See papers and final statement of the collective human rights of pacific peoples conference statement (http://www.hrc/co.nz, Auckland 28-30 August,1998).*

22. *Above in 19.*

23. *World Commission on Culture and Development our creative diversity – report of the world commission on culture and development, summary version (WCCD/UNESCO, Paris July, 1996) 19-20.*

24. *P.Imrana Jalal Law for Pacific Women (Fiji Women's Rights Movement, Suva, Fiji 1998) ch.2.*

11

Human Rights Education: Bangladesh Perspective

Akram H.Chowdhury

The UN General Assembly adopted the United Nations Decade for Human Rights Education by its resolution 59/184, in December 1994. The Assembly welcomed the Plan of Action for the Decade that had been placed before it. This Plan of Action provides a guide to the activities that are to be carried out during the Decade.

The UN Decade for Human Rights Education is an achievement of a long struggle of the UN human rights bodies and various international and national human rights organisations and activists throughout the world. Role of UNESCO through its World Plan of Action, UN Human Rights Commission through its Vienna Conference, European Commission of Human Rights and other non-governmental initiatives notably Amnesty International and the People's Committee for the Decade of Human Rights Education, played a pivotal role in the actualisation of the Decade.

It can be stated without doubt that it is the UN Decade for Human Rights Education that have pushed forward the growing human rights education movement that currently prevails in the Asia and Pacific regions. The world wide awareness and adoption of the UN Decade have also influenced the Asian countries to adopt a number of human rights conventions and to form their own National Human Rights Commissions. National Human Rights Commission of India, which was established couple of year's back, is an example in

this line. In Bangladesh the Govt. of Sheik Hasina has already announced its intention to establish the National Human Rights Commission and a Bill has already drafted which is expected to be placed before theParliament shortly.

Background Information on Human Rights Education in Bangladesh

In the early days after liberation of Bangladesh, the NGOs involved themselves in humanitarian and charity work in order to achieve development of the people. The fight for justice gave birth to the term 'human rights' as the NGOs fought for these rights in the court of law. So, human rights organisations were formed to fight social injustices mainly in the courts, which marked the commencement of human rights movement in the late 70s and early 80s in Bangladesh.

The result in the courts was extremely disheartening because of the existence of corruption, lobbying and other manipulative techniques. Frustrated and depressed, the human rights organisations obligated themselves towards educating the people, little by little, about their rights. Their vision was towards the future when people will know of their rights and fight for them as a united force against the social oppressors. Thus, human rights education was the passive tool of the human tights organisations to make the general people aware of their human rights.

Dissemination of knowledge on the rights of these various groups was no longer the main activity of the human rights organisations, who also trained people in several techniques used in combating the violation of these rights. Some these techniques are fact-finding, report writing, public interest litigation, urgent action, lobbying, mediation and many such meta-legal tactics. This even influenced the training methodology, changing it from a mere lecture oriented course to a participatory one.

Recent Trend

This development in human rights education has brought dynamic changes in the human rights situation, which can be felt from the inclusion of human rights programs in police training, though to limited extent. Various human rights organisations are now enthusiastic about several publications on human rights in the form of small booklets, manuals, leaflets, posters, handouts, poems, newsletters, journals, etc. The level of consciousness has arisen to such an xtent that some national dailies could not handle the rush of articles on human rights issues even after contributing a whole page to the cause.

The national television broadcasting media Bangladesh Television also has a program on human rights. Even the national election monitoring process is becoming an integral part in the human rights movement. Voters' education in the last parliamentary election was carried out extensively as a part of the human rights education. Special curriculum has also been developed to integrate human rights in the trade union movement. Recently a rehabilitation centre for torture victims bad been carrying out training programs for the medical and other health workers specially on Torture and Human Rights.

Certain environmental organisations are also organising training programs for the activities for making people aware that environment is part of the human rights. A few research projects have also been undertaken by some human rights organisations. Some have even taken the initiative to build libraries exclusively on human rights. These activities rose to such highly dispersed levels, that a council was formed in 1986 to co-ordinate the activities of these human rights organisations which is known as the Co-ordinating Council for Human Rights in Bangladesh (CCHRB). CCHRB has been organising training program on "Democracy, Development and Human Rights" for its network member organisations.

Role of the Government

Although the fundamental rights are very clear in our Constitution, because of the political situation persisting over the past two decades these were not respected, rather abrogated. Therefore, international organisations have rated the human rights situation of Bangladesh as poor for a long time. Under such extensive activities in the non-government sector, the government could no longer maintain its blind desolate attitude on pressing human rights issues. In August 1996, the government, along with financial aid from the UNDP, have opened an inter ministerial human rights project, with the ultimate aim of establishing a National Human Rights Commission. The Ministry of Law of the present government has repeatedly mentioned the government's strong intention of human rights protection that has received mass media coverage. With this project, the government, for the first time, shows its acceptance of the human rights issues as one of its policy matters. This project is a vast work which, however, requires co-ordinated efforts between the government, local organisations, various professional bodies, and international agencies.

Obstacles

The task ahead is enormous, but the initial focus is on the obstacles encountered on conducting human rights education in Bangladesh. These obstacles are:

1. Lack of governmental policy regarding human rights education in the country.
2. Lack of co-ordination among the NGOs involved in human rights education.
3. Lack of enthusiasm in organisations like police, jail authorities, defence force is, health department, for whom human rights education is most necessary.
4. Lack of adequate training materials and teaching aids.

5. Fewer trainers.

With the implementation of a national plan of action, the target group of the UN Decade for Human Rights Education (1995-2004) in Bangladesh would include government officials, police, jail authorities, lawyers, judges, doctors, journalists, defence personnel, trade union activists, non-governmental organisations, election authorities, people's representatives, parliament, businessmen, other professionals, local elected representatives, politicians, social workers, and enthusiastic citizens. Apart from these, women, children, religious leaders, senior citizens, educators, curriculum providers, minority groups, refugees, aborigines, etc. should also be included in the target group.

Challenge for Human Rights Education in Bangladesh

With the philosophy of the UN Decade, various non-governmental organisations are laying the foundation of human rights in Bangladesh. But, the real challenge is yet to be overcome. It is the challenge against the unjust society, against the existing political and economic framework and against the deep-rooted cultural beliefs among people themselves.

Although the equality of men and women have been recognised in the Constitution, practice of such equality is rare. Women, who constitute a half of the population, are the major victims of human rights violations in Bangladesh. Even at the doorway of the twenty-first century dowry, polygamy, child marriage, cruelty, illegal religious edicts, and narrow-mindednes victimise hundreds of women. These are not the practices of the common man, but the careful manipulation of the so-called elders of the society, namely the so-called matbars, the elite and son on. Crushing the current existing social structure, which generates exploitation and discrimination leading to human rights

violations, should be the primary task of human rights organisations and the main aim of human rights education. But in reality, human rights education cannot move forward if economic sustainability of the people is not ensured. For example, Bangladesh is one of the countries where child labour is widely prevalent. Although the government has ratified the International Convention on the Rights of the Child, the practice of child labour is not only wide spread in the country but has also been accepted as an economic reality.

The challenge is to instil human rights values among the professional bodies of the nation. For example, although the lawyers, doctors, journalists, teachers, and other pressure groups constitute the major portion of the highly educated section of society, most of them lack any knowledge on the human rights.

Recommendation

1. Human rights education cannot be realised without a clear-cut governmental policy on the issue.
2. Different professional bodies should take initiatives in undertaking their own human rights programs through establishing human rights organisations in their own areas.
3. As most of the people are illiterate, innovative methodologies should be developed to reach across to them
4. Human rights publications and materials should be easily accessible to all levels of society. Documentation centres should be established in this regard.
5. Adequate training groups should be developed through special training programs for training the trainers.

Although the UN Decade was adopted in 1995, no programmes in this regard so far have been undertaken by the government of Bangladesh.

Therefore, there is need for urgent governmental intervention for human rights education in Bangladesh.

12

Education for Human Rights in Cambodia

Thun Saray

ADHOC is a French acronym deciphering the 'Association de Droits des I'homme et du Development au Cambodge'. ADHOC was founded in December 1991 by a group of former political prisoners. This was after the signing of the Agreements on a Comprehensive Political Settlement of the Cambodian conflict, putting an end to the internal strife.

ADHOC is encompassing five programs: Monitoring Education, Women, Lobby and Advocacy and Development (Rural Credit). The Monitoring program is a curative program, which is intended to monitor and investigate the human rights violations. As for the Education program, this is a preventive program which is assigned to broaden and deepen the knowledge and understanding of the grassroots people, the civilian and military authorities and university students on human rights, the rule of law specific topics suited to the needs of every group.

After more than two decades of war, under totalitarian regime, the Cambodian people suffered from all kinds of human rights violations and lived under the "culture of violence". This culture of violence has affected the mentality and the daily life's behaviour of our people, especially the government officials, police officers and soldiers. The violence, abuses of power and the human rights violations became a normal occurence.

This is why, at the beginning of activities, ADHOC focused on the education program. Education is a continuing process. It is

time consuming. It cannot be achieved overnight. There is still dire need and perseverance to continue and intensify the human rights education campaign for improving the respect for human rights and law. The majority of the people should have a clear understanding and regard these principles as part of their lives.

Objectives of Human Rights Education Program

The Education program aims to achieve the following objectives:

- Ø To improve understanding and knowledge of human rights to improve the respect for human rights, law and democracy to people, especially the government officials, police, military and local authorities and university students, regarding human rights, law and democracy.
- Ø To provide knowledge in focusing on important basic rights and the skill of human rights analysis within communities in development.
- Ø To improve the understanding and knowledge of local authorities, armed forces, and university students, their respective roles in democratic process and encourage them for full participation.
- Ø To provide important information and documents for increasing awareness and the knowledge of human rights, democracy, the rule of law, social justice, current situation and election and
- Ø To provide knowledge and better understanding to men and women regarding women's rights as human rights and the different forms of human rights violations. Culturally, women are considered inferior to men. Thus it is very important to educate women themselves and men in the society, so that the women and men have equal rights. As the saying goes Women's rights are human rights".

Strategies and Activities of Human Rights Education Program

Our program is essential to establish and strengthen the civil society. It helps to prevent the coming back of the previous totalitarian rule. Together with other organisations in the country ADHOC continually and consistently emphasises the importance of human rights as a part of the country's peaceful development. As would be obvious, the people's -understanding of their rights and the appropriate use of these rights constitute a major incentive to self-defence and self-reliance in securing their own livelihood and their own dignity as human beings. The understanding of their own rights help the people to defend themselves against any form of abuses or violence attempted on them.

The above-mentioned objectives can be achieved through the following strategies; *viz*

training course
seminar
publication and
radio and TV broadcasting.

The main target group of human rights training workshop is the special group (government officials, police officers, military personnel and militiamen) The government takes for granted the need to educate the officials both civilian and military personnel. ADHOC makes great effort to intensify the education campaign to this group that implement the rule of law and be in charge to protect the rights of the people. The university students are also prioritised as the one of the main target groups provided their potential role in the society.

Human Rights Training

To justify what I have mentioned earlier. I would like to present you the accomplishments ADHOC has attained so far.

The presentation will be in figures in accordance with the report that the Education Section has elaborated. For six years since its inception 1992-1998, ADHOC's education has realised in total 2,293 courses, attended by 68,602 participants including 30,265 women.

This record is lower than originally envisaged due to the impact of the incidents of July 5-6, 1997, when the Prime Minister, Norodom Ranaridh was ousted by the Second Prime Minister Hun Sen.

Curricula

- Training workshop for this special group will cover the following topics: human rights and Cambodian culture, criminal procedures that are related to the human rights principles, rule of law, government officials and police's roles in democratic society, constitution of kingdom of Cambodia and good governance.
- Training workshop for the grassroots communities and NGOs staff will be focused on the areas wherein the development program is implemented. The training workshop for grassroots includes the specific curriculum comprising civil, political and economic, social and cultural rights, human rights issue analysis, the problem solving and role of the people in democratic processes.
- For university students discuss about civic education, civil society, their and responsibilities in the democratic processes, election, human rights and economic development.
- Women trained to focus on women's rights, discrimination against women through Khmer custom and tradition, criminal law, consequence of domestic violence, measures for prevention, reduce and eliminate domestic violence, obligation of parents in family. This can be fully achieved

through co-operation with education system and other NGOs involvement in women's program. A training programme based on well designed curriculum is under implementation.

- Follow up seminar for police officers, government officials who attended the training on human rights at least a month per province is provided.

Methodologies

- Special group session with twenty to thirty people and course held with 25 hours of the training in total. The training course is organised by one trainer and one assistant trainer. The course combines lecture demonstrations with participatory discussion, exploration of human rights issues, come up by the ideas of participants.

- Training workshop for communities with thirty to thirtyfive and the session will last one day (six hours). The session combines lecture with popular education and participatory. This training will be extended into two days for next year.

- Student workshop introduces a curriculum, which is taught over 30 hours. The course combines lecture with participatory discussion in small groups. The session will be held in universities and other institutes.

- Follow up session is approximately nine hours. It was given to former police and authority trainees of rights training. The session is participatory discussions.

- Local authorities, military personnel, rural people and police personnel are the target groups of the women's training. The program is envisaged two training and one follow up courses per province and per month. Apart from the formal training, the print media is examined to educate the people regarding the human rights of women. The bimonthly of Neak Chea 'Free Man' bulletin regularly features women's issues.

Special Seminars

There were two kinds of special seminars organised by ADHOC. One was called seminar on Human Rights Promotion, another type was called special seminar on non-violent election. Fifteen seminars on human rights promotion were held in almost all provinces of the Kingdom of Cambodia in co-operation with Ministry of Interior, attended by 1,080 participants who were high ranking government officials, provincial governors, deputy governors, commanders, vice chief of provincial military, police, provincial prosecutors, and judges. Attention was also paid to the development of documents in order to convince national public opinion that human rights principles and democracy are deeply rooted in Cambodian mind for thousand years. It is an incentive to raise the awareness of the Cambodian people on the legacy of the good culture and civilisation. The understanding of the people encourage their participation in the improvement of human rights and democracy. The emphasis is on the position that human rights and democracy are not imported from Western societies.

The series of eighteen seminars were organised at the provincial level by ADHOC in co-operation with COMFREL to discuss about how to organise the non-violent election. The participants were representatives of political parties, provincial authorities and election authorities.

Series of seminar on Land Rights Extension and Awareness were organised by ADHOC for the indigenous 'Highland" people and government officials in Ratanakiri to ensure security and access to forests and other natural resources for the minorities. In co-operation with experts from UNDP/Carere and the UNCHR, ADHOC's rationale for the awareness raising is to bring the ethnic communities in a dialogue with the authorities in order to prevent infringement of the rights to use land and forest and to protect their livelihood. The contents of curriculum are designed to raise awareness on land rights, regulations and procedures, map current land and forest use and conflicts and strengthen network capacity

of local village communities. The methodology for the seminars is to select facilitators for the district and village level workshops. In four districts, five days indigenous workshops were held. The same team also organised community workshops in forty two villages to raise awareness on land rights and to get feedback on the conflicts over land issues.

Voter Education

ADHOC has played a crucial role in voter's education to provide the understanding and betterment of their rights to vote in order to ensure free and fair elections. The education section is active in voter's education in co-operation with COMFREL (Committee for Free and Fair Election) a coalition of twelve NGOs who have monitored the elections in July 1988.

Documentation and Research

We collect books, documents related to human rights, law, democracy and Khmer culture for the provincial office branches and in Phnom Penh city libraries. We compile documents on human rights, study paper, and newspaper clippings. We translate some articles pertaining to human rights, rule of law, democracy and social justice from English into Khmer.

International instruments are translated into local language and developed as books for providing to participants and other concerned readers. Apart from this we also upgrade the training curriculum in co-operation with relevant organisations. The contents of the curriculum and methodology of training are being compiled for the redevelopment of human rights appropriate to different target groups as above mentioned. Study and research on human rights, civil society and Khmer society for publication in co-operation with university lecturers are also encouraged. ADHOC has written books titled Human Rights literature, Human Rights Protection System, Women's Role in Cambodian Society.

Publication and Information

In the field of publication and information, we include the prints, that will be referred as a means to educate the people. Education via this means can reach the people at all levels. ADHOC's bulletin called 'Neak Chea' meaning 'Free Man' is published twice a month. Within a period of three years , the education section conducted a reader's survey. It is to get feedback concerning distribution, layout, and presentation of the bulletin and get recommendation from the readers. Its contents include article on the rights to freedom of expression, freedom of participation, freedom of assembly, extra-judicial killings, human rights violation, environment, logging, Mekong river basin development, women's rights are human rights, women's movement and mines issues.

The quarterly Human Rights Review is released in English language. It focuses on human rights situation.

Besides all the above-mentioned researches, so far ADHOC has printed books, Universal Declaration on Human Rights, Understanding of Human Rights, Human Rights Protection System, Combination of United Nations and Cambodian Constitutions, Human Rights through Buddhism, Human Rights through Culture, Human Rights through literature.

Moreover, posters are used to educate the illiterate or less educated people. Posters will also be printed for the community. These education materials facilitate our human rights trainers to explain their lessons to some illiterate or less educated participants of the training.

Radio and TV Broadcasting

Another form is radio broadcast to air human rights education program and women's program. The radio messages broadcast sixty hours, explaining briefly scales of existing human rights concepts, human culture and feature a short play every month for two hours. The TV show on roundtable discussion on five topics:

right to life and Khmer culture, right to security-Khmer culture, right to property-Khmer culture, freedom of expression and democracy- development in Khmer culture and rule of law are telecast every month for two hours.

Upgrading Skills

ADHOC continues its countrywide core program of education on human rights for rural community. Education for more specialised groups such as local authorities, military, police, and university students continue in the form of special program. On average two classes per month are implemented per province and in Phnom Penh. The skills of ADHOC's human rights workers are upgraded through training, workshops or exposure visit exchanges between ADHOC and other NGOs for human rights to share experiences and information related to the human rights activities and human rights situation.

Impacts

The rapid emergence of the local initiatives country wide, the very active and critical press and willingness of the population to present petitions, the demonstration, the sitting in protest testify people's understanding of their rights.

Also the increasing number of complaints and inquiries coming in to ADHOC's offices show an increase of awareness and ability to present complaints and petitions.

The works for human rights-democracy-freedom has become popular. These subjects were introduced through human rights curriculum for secondary students. These words are often used in political platforms of the different political parties, in the newspapers, radio, TVs, public debates etc.

It also reflects the people's courage and participation in the improvement of the governance of the state.

The turnout at the polls was high (about 95% of registered

voters). At least some people, aware of human rights principles and laws, were able to express their opinion to expel chief villagers from standing in the perimeter of the polling stations where they were overseeing and trying to buy votes.

Future Plan

ADHOC is still maintaining its educational activities and its main part in the upcoming project for every three-year term. Its contribution, whatever will happen, helps to progress smoothly towards avery well defined goal.

The achievement of the training would be with an average of four courses per month in each province and Phnom Penh, excluding the extra-training on human rights sponsored by micro-project donors who helped ADHOC to fill up the gaps.

However, ADHOC has prioritised the areas where human rights violations and non-respect of law are reportedly rampant and perilous.

ADHOC also continues to do the assessment of its education program and re-orient it according to the priorities, which emerge. ADHOC plans to do the survey on human rights understanding as a whole in order to improve the curricula appropriate to different target groups.

We also encourage the participation and collaboration of other NGOs to elaborate and produce a research document on human rights related to Asian concept, democracy and civil society. This is very important for the human rights trainers in Phnom Penh and in the provinces. They can use these reading materials, as basis of their research and for the improvement of the curriculum of the training needs to be updated and standardised to the development of the human rights situation.

At the same time, we also focus on the improvement and upgrading skills of our trainers. We will set up a capacity building program which is oriented to better and update the skills and

expertise of our staff who will undertake the responsibilities to transfer the knowledge and acquisition to their counterparts working in the provinces. For the success of this program we call upon the prominent NGOs workers being specialised in the training of trainers to provide us with resource persons. We also envisage the coaching and field trip to the provinces to assist the provincial staff to improve and upgrade their capacity for the effective and efficient implementation to respective program.

The way towards the fulfilment of our task is very far and stumbling. Despite our efforts in the field of human rights education, violence continues to spread in our society, but it is less than before. I would like to bring my presentation to a close. I would like to express my apologies for the inconvenience and the incorrectness in using the terminology or expression in relation to the human rights education.

13

Devaluation & Distortion of Human Rights in School Textbooks

Sheela Barse

The BUZZ Words

As a person who stepped into the arena of public expression and action in spontaneous rebellion against deprivation and exploitation of human beings, I have instinctive difficulties in accepting the term human rights, and its recent common, almost casualised usage. Though I have invoked Human Rights instruments in my work, I invariably stumble when the expression lands in my path, as if it is a question mark I am not ready to deal with yet. The guilding of coinage as the buzz word has prodded anxieties that the glitter may hide even the disturbing flaws of conceptualisation, identification and composition from undiscerning eye and distract us into blind acceptance of this work of the United Nations General Assembly.

The controversy over the human rights conceptualisation as being too strongly rooted in the western socio-cultural-political systems is well known. Many activists must have experienced that the UN codified human rights do not match our intuitive zeroing on violations and our perceptions of what should be the rights of the wronged peoples. The tensions between rights of different groups are not easy to resolve. Juridical collages and amalgamations of different UN Conventions/Covenants, Declarations, Principles and Protocols do not always yield a perfect picture.[1] The Constitution of India

- COI - empowers the Supreme Court of India - SCI - to interprete the COI, and review laws, judicial and executive decisions. Therefore COI's potential for developing and updating Human Rights is greater. However, the quality of judicial pronouncement is not assured, hence the pronouncements of the SCI may not project a great Imax of a human right.

Flaws and incompleteness are not bad news. Precepts cannot be magically pulled out of the Assembly hall. Ideas dealing with complexities of human lives and civilisations need time and space to develop. That human rights formatting is neither complete nor perfect, leaves us with plenty of creative work. The juxtapositioning of human rights and school children provides one such exploration/formulation adventure.

Old, new, newer Rights of Children

For a right to be a beacon and enforcible, it must be specific and all other semantics associated with it must be precise and transparent. Our focus is on school children, therefore we should be sure of the definitions of the words such as child, school, education, also human rights surely, and their baggage. What is a school, for example. Is a building an essential component of the concept? Are printed textbooks the sum and substance of schooling? Is the expression a noun or a verb, or both? Should we presume the UN instruments to be the word on a subject? How are the rights to freedom and culture accommodated in a system? I am not a pedagogue and this paper is not a plea for a legal thesaurus. But ferment of such questioning does bubble in the stream of thought in this paper.

The theme of this paper, split into clauses for convenience, is as follows:-

(i) the age, mental and physical ability of the child and its needs are relevant to evaluation of school textbooks from

the human rights perspectives; ignoring of this fact leads to erosion of children's rights.

(ii) some of the school texts distort or devalue human rights and ideas about them;

(iii) the correction of the deviance in the syllabus and texts must precede introduction in schools of the teaching and learning material on human rights.

These propositions seek sustenance from UN instruments, the Constitution of India and, extend to newer, needed formulations, such a specifically scripted fundamental right to childhood.

The selection of rights on/around which this critique is built are:

(i) Right to childhood, which has not been codified in so many words, but is implicit in the UN and COI Articles on education, child labour, special care, etc[2].

(ii) Right to culture which is endorsed by many UN Conventions and documents, and the Constitution of India - COI[3].

(iii) Right to information which is formalised by the UN General Assembly and is implicit in COI[4].

(iv) Right to education which is recognised by the UN instruments and the Constitution of India[5].

I feel great affinity with CRC Art. 29 which I quote here:-

"1. State Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and

fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her cultural identity, language and values, for the national values of the country from which he or she may originate and for civilisations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals or bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and requirements that the education given in such institutions shall conform to such minimum standards as may be laid by the State."

Selection of textbooks for this paper

In our multilingual, federal nation, there is a natural diversity in syllabi, standards and contents of perscribed textbooks, as also the socio-cultural-political environments that context them. In Maharashtra schooling is available in several languages. In Mumbai, the Municipal Corporation offers primary school education in 8 languages : the national language Hindi, the State language Marathi, the languages of the large communities settled in the city, viz: Gujarathi, Kannada, Tamil, Telugu, Malayalam, and the national language of administration English. Besides, the students/parents have a choice of the State Board for SSCE - Secondary School Certificate Examination, the national CBSE - Central Board School

Examination and the ICSE - Indian School Certificate Examination which is supposed to meet the Commonwealth standards.

Given this complexity, an exhaustive study is not possible unless a group of multi-lingual talents are pooled together. I had to choose and circumscribe focus of this study, taking into account -

i. my proficiency in a language and the knowledge of its literature

ii. my concerns as a children's rights campaigner, and

iii. the objectives and date of this conference

So for this presentation I opted for the langauage readers of Hindi, Marathi and English, and textbooks of history and civics for standards V to X. They offer a reasonably broad panaroma. It must be mentioned that December-January being the last lap of the academic year, all the textbooks were not available in the market.

I must record that I appreciate that for the awesome task of writing and selecting texts the State education councils have to rely on diverse talents. Therefore, no matter how great the effort invested in execution of this responsibility, there can be no assurance of a blemishless outcome. In this paper I certainly would not dwell on small spots and smudges.

The Critique

This critique will focus on specific semantics, statements, narratives, stories, poems, etc. more or less as indicators of what needs to be rescrutinised and corrected before, or even as, writing or selection of material on human rights for schools is undertaken.

I may recall that in the first few paragraphs of this paper, questions about the perfection of UN codified human rights have been raised. Naturally, the resort to rights identification

for organising the material seemed problematic. Hence theme pauses are chosen for the denouement of this presentation.

Theme : Violence

Martyrdom and War

Is martyrdom noble ? Is childhood the right time for the child and the adult to assert and reiterate martyrdom as an ideal ? Are socio-political distresses right causes for martyrdom ? Is precaution devaluatory of courage or sacrifice?

Is war a wonderful event if resorted to for conflict resolution among nations ? At what stage should textbooks move beyond flag flying and into the war-zone ?

Does the student have right to know of modes other than war for conflict resolution ? Is not there a special obligation in the Indian education stream to inform the children of the ideas, world views and behaviour guidelines propounded by our revered protagonists of ahimsa (nonviolence) and peace, Mahavir Jain, Gautam Buddha, Emperor Ashok, Mahatma Gandhi ?

These are bothersome questions if the rights to childhood, to innocence, to complete information, to opting for peace are accepted as human rights concerns.

It seems that in their enthusiasm for value education in patriotism, social responsibility and selfless courage prescribed by the National Education Policy 1986 and the National Council for Education Research & Training - NCERT -, the text selectors rushed to meet the agenda without the needed pause for a thought.

There is a horrifying, sickening story in the textbooks for 11-12 year old children about 'glorious' death of six 'spirited and radiant' school boys younger than them-eight to ten years

age-, in close range police assault with guns and daggers[6]. The gory deaths are supposed to have taken place in endorsement of Mahatma Gandhi's 1942 'Quit India' call! The police charge into the school children's Indian flag parade, attacking them with batons and spewing gunfire, the child hero Shirish bares his chest challenging the police to shoot him and target him well making more attempts if they fail in the first round. After he crumbles, his friends face the police and die of bullets and stabbing. A 'cow' falls to the bullets but it is not clear whether she was an animal or is meant to be a representation of woman. Shirish died asking for water. The police had threatened the men who were moved by the dying child's cries. But what is water? The children died in an attempt to get for Mother India the immortal drink -amrut- of freedom. There is no comment on the role of the adults who watched the children's protest and martyrdom from vantage points in their homes and the lawyers who witnessed the killings from the steps of the court building.

Another real life lesson records how a youth, Bapu Gaidhani ignores the presence of the fire-brigade to rescue children from a two storey building and then in half-burnt state re-enters the raging fires to rescue cattle and particularly a cow and loses his life[7]. The youth glows with satisfaction during fiery action. Mahatma Gandhi is said to have eulogised his parents for the spiritual richness they received through the son's sacrifice! There is no mention anywhere about the cautions he should have taken while entering smouldering building or the technical and expert support the fire brigade could have given him.

Am I reading too much into the selections ? You would not think so when you learn how the textbook editors have completely distorted the intent of chhayavadi (romantic) legend Mahadevi Verma in her very famous poem 'mitane ka adhikar'[8]. The poetess romanticises her attraction for surrender to sorrow and self-effacing mortality arguing what would pain-free

immortals know of god's grace of compassion. But our educationist's introduction 'informs' the fifteen year old students that poetess believes "in extreme sacrifices for betterment of humanity" and "self annihilation to light up the world."

There are umpteen stories about battles and belligerancies. From among them one story defintely ought to be deleted from textbooks[9]. In it a World War II veteran is in sickbed when Pakistan attacks India. The armyman is proud when his son an Air Force Officer dies in action. He too wants to be killed in action rather succumb to illness in bed. He dies of heart attack on learning of end of the Indo-Pak war. The most disturbing aspect of this narrative is, that it is replete with words and sentences that describe his intoxication at the thought of armed combats and euphoria over martyrdom. The introduction to this tragic tale is hyperbolic[10].

Wars are a reality and their depiction, the literatuers' right of free expression. But not as a world of men to be admired for their powerful, bloodlusty persona.

Also, what about letting children know of other ways of conflict resolution and their right to peace in the same book?

Validation of Physical and Mental Punishment

Children generally may not have problems with the cruelities and killings described or depicted in stories and therefore adults should perhaps not be protective unless the brutality is excessive or sadistic, or is rationalised. When it is time to introduce students to great literature or films, care must be taken to lead them into the creative world so that they do not view them as parables or moral stories. In short text should not be puritantical.

This affirmation does not help the Maharashtra State school education councils and the textbooks production and

curriculum research councils to counter my sharp criticism of violence ingrained in some of the Maharashtra school texts. Because these texts seem to project abuse, assault, physical and mental punishment, degradation, torture, maiming as good, useful, normal, acceptable aspects of human behaviour and dependable, effective, role-model-approved tools of correction.

In a Hindi second language textbooks for ten years olds, there is a story[11] and an illustration about Mahatma Gandhi being caned by his teacher for coming late to school. In the second language Marathi textbook for VI standard the teacher canes pupils for littering the classroom.[11A] Legendary Bal Gangadhar Tilak refuses to extend his palm to receive the beating because he insists he had not created the mess. Tilak accepts the punishment of being sent out for this protest.

In a Marathi poem[12] about rain for 12 plus age pupils, a child pleasantly asks his mother "why is the sky crying since yesterday morning? Do you think his mother must have beaten him the whole day? Does she also get very angry as you do?" The illustration depicts a bemused mother.

In a story purporting to resolve the tension between classroom discipline and giving space to the pupil's creativity, a teacher emotionally suffocates a boy who has painted a naturescape from memory when the class assignment was to learn geometrical scale drawing (of a cube). Mentally stressed the boy tears off his art and promises to do creative work only at home![13].

Use of Violence for Dispute Settlement

How do you instruct errant citizens in social change? By threat of or real thrashing, is the message in a textbook which according to the foreword of the publication aims at "personality development, love of literature, realisation and growth of esteem for mothertongue, society and country and enrichment of social and moral awareness" (translated from Marathi original). The

introduction to the story[14] explains that it is a "sketch of personality of Sawla who ressurrects and brings happiness in the family life of women destroyed by dowry."

What is the greatness of Sawla whose "huge body matches his giant deeds? He slaps and threatens to kill with his "glittering" axe a man who pleads for his young daughter Kashi's safety when Sawla forces them out of bushes when they were hiding in on seeing outlaw Sawla. On learning that Kashi had been rejected for not paying the promised dowry, Sawla orders them to accompany him to the groom's house. Under pain of death, he achieves reconciliation. Among Kashi's heartfelt wishes is a prayer that Sawla's sword should always be sharp !

One of the `just' acts of Shivaji, the seventeenth century nationalist rebel king who is virtually deified in Maharashtra, is to order brutal, sadistic punishment for rape and murder[15]. The offender's arms and legs are to be chopped off and the living torso to be paraded on the back of an ass.

There is no identification and authentication of the source of this story which is, in my opinion, also a bad piece of literature as it exceeds writer's license. I have several problems with this wretched piece.

(a) The failure to clarify whether the narrative is a piece of history or a rewritten legend or merely an inventive fiction is derogation of the children's right to correct information and quality education.

(b) Worse, the textbook editors assert that in the narrative Shivaji's "love" for justice and appreciation of human qualities find expression.

Unbelievably this mawkishly sentimental fancy is meant for students in Hindi and English medium schools, the avowed objectives of the Education Council is being to inculcate among non-Marathi schoolers, the love of and affinity for Marathi.

In 'samuj' [16] -lit. lesson - the husband hits his wife for successful opposition to dowry. This shockingly women derogatory story will be discussed in detail in the section on gender discrimation.

Environment A 'Natural' Casualty ?

Of all the Anglo-Indian writings, the selection of Gieve Patel's "On killing a tree" [17] defies logic. In the questions on it, attempt is made to project the brutal descriptions of the tree and the savagery required to destroy it completely, as proof of life in a tree !

In the anecdote on Shivaji's majestic behaviour mentioned in the section on violence,[18] the ideal king's strategy for curbing the menace of foxes is to reward the killing of the animals by `brave' citizens who must bring the foxtail as proof of their good deed.

A destructive conflict is posed between environment and achievement of science and resolved in favour of science at the cost of the environment in a poem[19] for class VIII Marathi medium adolescent pupils Says the poet :-

"I shall crush under my feet
the moon, sun, the planets and the stars
banish the gods and demons from the heavens
to the netherworld

I shall enslave air
tether rain at my gate
The goddess of wealth would feel ashamed
when she'd see my prosperity"

Theme : Gender discrimination

I must begin this segement with an assertion that ab inito I have often taken positions which feminists / women's groups

have been very, very uncomfortable with if not opposed to; and an information that it was I who persuaded the Government of India to accord a disctinct identity to girlchildren and launch separate programmes for them. But unlike feminists I believe that girls belong to children's, not the female slot though sex discrimination is an aspect of girls' issues.

I record this for one single reason, to appeal that whatever the readers' / listners' position on women's issues, please examine my critique with an open mind.

No Recognition of Girls' / Women's Space in the Society and Proliferation of Negative, Streotype, Limited Images

Millions of Indian girls and women daily perform myriad tasks from weeding a farm to weaving cloth to assembly in factories to piloting planes to offering leadership in socio-economic-cultural-creative-political activities. They are quality participants in artistic and intllectual fields. And, with rarest of rare exception, they are all invisible in the Maharashtra school text books and ICSE books. The ICSE biases are a class by themselves, hence their biases would have to be dealt with separately.

When a fraction of the 98 percent of the natioin's citizen's does surface in the prescribed school studies, the average girl in both the SSC and ICSE text is most likely to be emotional, gossipy, nervous, clumsy, generally incapable-of-taking-care-of-herself but good-at-family-caring, home helper. In both the SSC and ICSE texts approved by experts the women are mainly good/great mothers, mainly cantankerous and rarely supportive housewives and minor or ignorable players in family and public life. In the ICSE books, they are also teachers likely to be difficult and non-descript receptionists.

The female images in SSC prose texts are tabulised below. The ICSE curricula are West-obsessive and has peripherised

the Indian elements. I also could not get sufficient ICSE books. Hence the SSC focus of the tables.

To identify if the girl/women is a leading persona, or a very minor/ignorable character, the letters L (leading) and m (minor) respectively are added to the description in the image column. In the tally of positive (+ve) images, realistic and literary portayals are included which I hope is recognised as fair. Stereotyping girls/women as emotional, dependent is added to the negative (-ve) list. **(Table - 1)**

A comparison with numbers of male characters, good, bad, heroic/legendary with the analysis of the visibility and characterisation of females further endorses the suppression of women's roles in society and their individual qualities as human persons. **(Table - 2)**

In the 8 textbooks, 42 gilrs and women and 167 males. Thirtyfour heroes/legends, only 6 women achievers. Female symbols are negative, male symbols positive. Thirtyseven out of 167 males repressive, cruel, exploitive. Twenty-two out of 43 girls and women are cruel, greedy, nags, irrisible, nuisance, sufferers, victims. Happily, as mothers and grandmothers they are depicted as strong and thoughful.

The men are political executives, leaders, reformers, freedom-fighters, literatures, industrialists, lawyers, judges, village craftsmen, farmers, honest, studious, and as family men, supportive, all the 130 of them out of a cast of 167. Nice. But it would be just if female beings were not projected as problem half the time, and rarely as role models for achievers.

The students are most likely to have English or Hindi as first or second languages. The texts in English as first (school medium) and second language reveal the same pattern. Some of the Hindi textbooks would be good guides to Marathi and English text selectors.

The ICSE books apparently try to make up for absence

Table - 1

Language of text	School medium	Std.	Nos. Chapters Girls/Woman with human cast	Girls/women sketched	Image	+ve Nos	-ve Nos
Marathi	Marathi	VI	2 G 19/24 5W	1)childworker 2)housewife 3)housewife 4)social worker 5)grandma 6)mother 7)daughter	L real L –ve M –ve L +ve L lit. L +ve L emot	04	03
Marathi	Marathi	VII	1 G 18/21 5 W	1)housewife 2)sister 3)ma-in-Law 4)daugtr-in-law 5)mother	L –ve L scarf L –ve L –ve L emot	05	
Marathi	Marathi	VIII	9 W 19/22	1)housewife 2)bride 3)maestro 4)teacher 5)grandma 6)mother 7)street artist 8)social worker 9)farm worker	M –ve M depn L* +ve L + ve L +ve tough L real L* real L trubl	05	04
Marathi	Non-Marathi	VI	2 G 19/24 2 s 3 W	1)mother 2)symbol 3)grandmother 4)milkwoman 5)sister 6)symbol 7)students	L –ve L –ve L +ve L +ve L sacrf L depnd M depnd	02	05
Marathi	Non-Marathi	VII	3 W 10/14	1)wife 2)social worker 3)travellers	L depnd L* +ve L –ve	01	02
Marathi		VIII	2 W 12/19	1)freedomftr 2)grandma	L* +ve L +ve	02	00
Marathi	Non-Marathi	IX	4 W 11/12	1)pioneer 2)mother 3)mother 4)wife	L* +ve L +ve L +ve M –ve	03	01
Marathi	Non-Marathi	X	1 G 10/12 5 W	1)housewife 2)wife 3)wife 4)wife 5)daughter 6)wife	L lit. L +ve M +ve L* +ve M victim L victim	04	02
7 txtbks		VI-IX	6G+2s+35W 116			21	22

Childworkder	01	daughters	02	students	01
labourers	03	sisters	02	travellers	01
teacher	01	mothers	06	symbols	02
social workers	03	grandmothers	04		
pioneer	01	mother-in-law	01		
maestro	01	daughter-in-law	01		
freedomfighter	01	wives/hs wives	12		

Total tally:

girls and women at school or work or travelling	=	07
wellknown achievers	=	06
housebound family members	=	28
symbols of feminine characteristics	=	02

Table - 2

Language of text	School medium	Std.	Nos. B/M	Chapters with human cast	Male*	Male -ve	Female *	Fml -ve
Marathi	Marathi	VI	03 B 24 M	19/24	04	07	00	03/07
Marathi	Marathi	VII	02 B 30 M	18/21	02	07	00	05/06
Marathi	Marathi	VIII	01 B 21 M	19/22	04	05	02	04/09
Marathi	Non-Marathi	VI	02 B 23 M 02 S	19/25	04	06	00	04/06
Marathi	Non-Marathi	VII	00 B 13 M	10/14	04	04	01	02/03
Marathi	Non-Marathi	VIII	01 B 18 M	12/19	08	01	01	01/03
Marathi	Non-Marathi	IX	02 B 09 M	11/12	04	02	01	01/04
Marathi	Non-Marathi	X	01 B 17 M	10/12	04	05	01	02/06
Marathi	Non-Marathi	VI-IX	12 B+ 155 M	62	34	37	06	22/43

B = Boy
M = Man

of stories with girls and women in lead characters by using as many sketches of famale persons as illustration as is possible. And what do girls do in these pictures? They get or are likely to into trouble, they househelp in the kitchen as seamstresses, they babysit and they nag..... Women are mostly housewives, occassionally teachers and receptionists. Boys and men may be involved in different activities when not relaxing.

Wife Beating as Gender Issue Lesson!

If all the textbooks are cleansed of all biases and the vaccum is filled with affirmative material, but one story 'samuj'[20] -lit. lesson-survives, it would be poison.

The author of the story introduced as a writer whose forte is depiction of tensions within rural families and their resolution' (emphasis added). In 'samuj' the lesson is given to the father-in-law, the textbook editors inform the student. The wedding of Daji, brother of our 'hero's' wife Shyamala, is held because the father-in-law wants dowry. Daji too succumbs to greed. Our 'hero' has a solution. [Remember the editiorial comment ? In his creative endavours, the author always offers resolution of family disputes.]

He hollars for Shyamala, attracting attention of all present. She "rushes in all decked up, showing off, joyous with memories of their wedding." He slaps her hard on her cheek. As she turns away to leave, he pulls her back, hits her hard again and shouts out his demand for dowry he had never received. If his wish is not instantly fulfilled, it is the end of her marriage, he threatens. The father-in-law assessed his 'mood' and ordered his son's wedding to go ahead. The author concludes, "It took me sometime to explain and soften her ("samjoot kadhayala"), but in the midst of it I had a full meal and burped."

The lessons of the story, as I understand them, are:-

(i) A wife is a possession devoid of rights of dignity, integrity of her person and equal status and can be object

of abuse at will and public humiliation.

(ii) Wife-beating is great if the cause is right.

(iii) Violence is a wonderful, reliable tool of teaching lessons to errant relatives.

(iv) A man's sensibilities about and sensitivity to public causes, justifies cruelty to family members.

(v) The hurt caused to wives does not last long. Their emotions can be satisfactorily manipulated, though with some effort.

Violation of Right to Culture, Dignity and Correct Information

Violation of Cultural Rights

The right to culture surely includes correct and comprehensive information about one's culture. There seems to be no awareness among the Maharashtra text selectors and producers, of India's myriad cultures and even the dominant cultures. To give an example, there is nary a reference in the scores of language and history textbooks read, to the Northeastern region, (known as a group of seven sister states), the home of very distinctive ethnic streams in some of which the women have major roles as managers of village economy.

Some of the oldest and richest literature of the world is in Marathi and its sister dialects, also Kannada and Malayalam. Orissa, Assam, Bihar and other states have some of the richest artforms. But on reading of SSC and ICSE textbooks the student would not know of their existence, leave alone their wealth and magnificence.

The content of and the semantics used in the texts about Indian metaphysics, philosophies, saints is ill-informed and occassionally, misleading.

On a reading some of history textbooks for both HSC and ICSE, I identify the following points for correction -

(i) History from colonials' angles

Several historians [21] from different nations of the world have asserted that the colonials wrote a distorted history to cover up their wrongdoings, gild their sins and project a self-promotive rationalisation; and have cited extensively documents in support of their positions.

The Maharashtra school textbooks give currency to this false 'history' as promoted by the colonials.

Virtually all the marauders and enslavers of the western nations are presented as 'explorers' and 'traders'. There is absolutely no mention of the fact that they bought and sold individual human beings as slaves and that they enslaved many peoples and nations.

Students would not be able to interpret the politics or world order, cultural dominance and economic exploitation practiced by some nations of the west today, if the true history of these powers is concealed using the devices constructed by these very subjugators.

Indians too must be able to confront our colonisation and exploitation to understand their causes and perhaps learn to protect the socio-economic-political security of the nation in the global village.

(ii) Thinned and Pared Indian History

The disenfranchising of small groups of their roles as opponents of the armed imperialists is as unjust in writing of history as the thinning of diverse plant clusters to improve the lives and images of big trees is to ecology.

Conclusion

What sense can a student make of human rights against violence, sex discrimination, cultural derogation and doctored information if the texts have the first chance to tell them otherwise ?

References

1. *To illustrate : for my public interest litigation's – PILS – on the rights of the mentally ill (1988) and rights of the children the indigenous peoples (1983) in the Supreme Court of India, I sought supportive material from the UN Centre for Human Rights – UNCHR – and the International Commission of Jurists, Geneva. The UNCHR informed me that the UN had not pursued the issues. Their document on indigenous peoples was old and dissatisfactory. A draft of principles on mental health was lying on shelves. The UNCHR formalised the principles by 1992 which was in time for first major ruling of the Court. But I cannot say the final script covered all the concerns of the mentally ill and their protagonists.*

2. *UN convention on the Rights of the Child – CRC – 1990; Arts. 10(1) & (3) of the International Covenant on Economic, Social & Cultural Rights – IESCR – 03.01.1976; Art. 24 of the International Covenant on Civil & Political Rights – ICCPR – 16.12.1966; and, COI Arts 15(3), 24, 39(e) & (f), 45 & 47.*

3. *ICCPR Art. 27; IESCR Arts. 6(2) & 25; CRC Art. 30; Art 15 of UNESCR; and, COI Arts. 29 and 30.*

4. *Convention International Right of correction 24.081952; CRC Arts. 13 & 17; and, COI Art 19.*

5. *IESCR Arts. 13 & 14; ICCPR Art. 26; CRC Arts. 28 & 29; and, COI Arts. 30 & 45.*

6. *'Shirishkumar' by Saneguruji, chapter 21 Marathi Sulabhbharati for Hindi and English medium Std VI. The author of this 'account of a historic fact' was a respected teacher – he is not known simply as Mr Sane but as Saneguruji: Teacher Sane -, patriot, and writer. His sentimental writings steeped in nationalism and soggy with tears appealed to Maharashtrians then stressed by freedom struggle. Saneguruji may deserve his place in history and literature of the state, but that is no reason to include such tales in early school years.*

7. *'Veer Bapu Gaidhani' extract from a memorial volume chapter 2 Marathi BALBHARATI for Marathi medium STD VIII.*

8. *'MITANE KA ADHIKAR' - 'Mitane Ka Adhikar' by Mahadevi Verma, chapter 8, Hindi LOKABHARATI for Std X in language medium other than Hindi.*

9. *'Sainiki Rakta' - Sainiki rakta' by Mr Lakshmikant Tamboli, chapter 16, Marathi BALBHARATI for Marathi medium Std VIII.*

10. *The title translates to 'soldierly blood' – the hero is introduced as the man who "nursed the dream of dying amidst the salute of rifles, guns, tanks while facing the nation's enemy in the battlefield".*

11. *Mahatma Gandhi, author not named, chapter 17, Hindi SULABH BHARATI as second language text for Std V.*

11A. *[ANYAYACHA PRATIKAR] - 'Anyayacha Pratikar' by Mr Ramesh Mudholkar, chapter 4 Marathi SULABH BHARATI for Marathi second language students of Std VI.*

12. *[KA GA RADALE AKASH] - 'Ka ga radale akash' by Mr Shankar Ramani, chapter 3 Marathi Sulabh Bharati for Std VII.*

13. *[THOKLYACHE CHITRA] - 'Thoklyache Chitra by YG JOSHI; chapter 2 Marathi BALBHARATI for Marathi medium Std VI.*

14. *[MAZE MAHER VAGHDARA] by Mr Anna Bhau Sathe; chapter 7, Marathi BALBHARATI, for Marathi medium Std VIII.*

15. *[SHIVAJI 'RAJE' SHOBHALE] - 'Shivaji 'raje' Shobhale' by Mr Ranjit Desai, chapter 10 Marathi VACHANPATH for Std X non-Marathi medium students. The title of the story translates to 'Shivaji beautifully personifies regency". In the same story Shivaji rewards killing of foxes.*

16. *See notes on gender discriminatory texts.*

17. *'On killing a tree' by Gieve Patel, chapter 6, English BALBHARATI for English medium Std VIII.*

18. *Ibid*

19. *[MANUS] - 'manus' (lit. Man) lyric by Mr Ram More; chapter 12 Marathi BALBHARATI for Marathi medium Std VIII.*

20. *[SAMUJ] - 'samuj' by Mr Mukund Krishna Gaikwad, chapter 12 Marathi VACHANPATH as second language reading for Std X. This story is also referred to under 'VIOLENCE' (ref. 16).*

21. *The historians, social scientists, authors, and their publications referred to are: David Birmingham's 'A Concise History of Portugal; Cambridge University Press First edn. 1993. Veena Das edited 'Mirrors of Violence'; Oxford University Press 1992. John Kenneth Galbraith's 'The Age of Uncertainty'; British Broadcasting Corporation, 1977. Ranjit Guha's 'Subaltern Studies' Vol VI etc. ; Oxford University Press 1988. Edward Said's 'Culture & Imperialism'; Vintage 1994. Arnold Toynbee's 'A Study of History'; one volume illustrated edn. Oxford University Press, 1972. Stanley Wolpert's 'A new history of India' Oxford University Press 1993.*

14

Challenge of Human Rights for University-level Education in India

Retrospects and Prospects (A Study in Issues and Trends)

Pandav Nayak

As the topic suggests, we are concerned in this essay with the status of Human Rights Education (HRE) at the tertiary stage which, in India, comprises mainly the Universities - both central and state - established by an act of Parliament or state legisslature with the University Grants Commission (UGC) as the apex statutory national body. The UGC seeks to promote and co-ordinate general higher education and represents the authority to determine and maintain standards in teaching, examination and research. Following the National Policy on Education (1986), the UGC took up three major initiatives to improve education and it set up twentyseven curriculum development centres to prepare model curricula in science, humanities and social science, fortyeight academic staff colleges to organise orientation programmes for the new and conduct refresher courses for the in-service teachers and third co-operative research facilities were established through the Inter-University Centre and the library net-working was initiated. Around this time, a parallel national initiative was launched and the Indira Gandhi National Open University (IGNOU) was created in 1985 to provide leadership and thrust to conducting education through the distance mode. Through education, research, training and extension, the distance

education system in the country was mandated to "democratise" education which can be a "liberating force", "cutting across the barriers of caste and class, smoothing out inequalities imposed by birth and other circumstances. As an apex body, IGNOU has the similar statutory position for distance education system; today there are nine State Open Universities with their regional and study centres which add to three hudred fifty Study and Work Centres and eighteen Regional Centres constituting the IGNOU network. Distance education, it may be added, has the unique features of flexibility, innovativeness and modular packaging besides its rich and proven capabilities for intensive use of communicational technologies which make it possible.

(i) to rise smartly to the ever-changing demands of the society,

(ii) to cover uniformly with standard and quality education places and people of rich diversities and unevenness.

(iii) to structurally open out for partnership and collaboration with various out- reach facilities including the NGOs working in distant places.

The Indian university system is committed, within the framework of the National Policy of Education (1986, updated in 1992), to "using education as a positive instrument for eliminating the accumulated social distortions of the past. The Policy is "equally sensitive to the cultural, value and international aspects of education".

Norms and Reality - the Gap

It is important to note in respect of the latter dimension that India's records on signing of international human rights instruments have been quite encouraging and the political position of India on the external front is one of active advocacy and campaigning for peace, human rights and democracy. It has signed all the important instruments save (among the

important ones) the Optional Protocol 1 to ICCPR and the Parliament is yet to ratify the Convention Against Torture (which has been already signed). But the internal picture of this international political position is definitely not very encouraging, and it is here that one finds failures galore which have kept the 'norms' so widely apart from the social experience-based 'realities'. A classic case in this contrast posturing: India played an active role in formulation of the recommendation concerning "education for international understanding, co-operation and peace education relating to human rights and fundamental freedoms" which were adopted by the UNESCO (18th session) in 1974 and this was quickly followed by a reverse posturing the next year when national emergency was clamped on the nation. This gap between the 'norm-setting' and the 'political practices' can be ended by a re-formative agenda to be put into practice through strategies of linkages and interventions by the educational institutions who must clearly look beyond their prevailing dominant modes of texts and symbols. Such an agenda of reform aims not only for socio-cultural emancipation and empowerment. The current developments in American Universities which are experiencing a steep decline in class-room attendance and higher education enrolment are pointing to another direction of liberal economic reforms under the impetus of globalisation. In a recently held conference on the "Future of Higher Education"(California State University, California 1996), "neither the conservatives nor the multi-culturalists questioned the University's role as the bearer of a liberal tradition....". As the famous philosopher-commentator Russell Jacoby pointed out in the same context, "all discussions of higher education on both the left and the right have been permeated by an 'unacknowledged elitism' about the nature of culture and an undue concentration on texts and symbols". Michael Gibbons etal. have offered a useful distinction between the declining Universities which are producing "culturally concentrated knowledge" and the

upcoming centres of learning and informationalized activities which are producing what is graphically described as "socially distributed knowledge". Not the University (that is, as an institution for teaching and learning) which is under attack it is their functions and their basis or foundations which have been subjected to increasing examination. Relevant questions raised are: should the teaching be confined to glorifying mono-cultural virtues of Americanism or should it offer a multi-cultural perspective for world citizenship? Would a set of West European text books continue to guide the direction of learning or the multi-cultural composition should occupy the driving seat?

Though a little longish, the above observations from the Report of a dedicated Conference on Future of Higher Education have a couple of messages for us in India whose education system-institutions, texts, assumptions and principles of pedagogy etc. is essentially a derivative of the Anglo-Saxon tradition (Universities are autonomous, they have full powers to decide on courses, syllabus design, modes of assessment etc). In which case, how does UGC plan to work out its obligated mandate to contribute predominantly (suiting to its size and education space it occupies) to the generation of a "human rights culture" in India.

UGC Position Paper on HRE

The only Position Paper on the role of the Universities (within the UGC system) for promotion of HRE is contained in the **UGC Ninth Plan Approach to Promotion of Human Rights Education (HRE) In Universities and Colleges** (henceforth, referred to as Position Paper). Issued in September 1998, the direction setting role of the UGC in respect of HRE can still be considered as in an embryonic stage. Features basic to the position of the UGC on HRE are:

1) There is a change of focus of HRE today with coming to light of the gross violations of human rights through the

interventions of various NGOs, NHRC and other activists. Earlier, "the whole teaching and learning of human rights in India in the sixties and early seventies was kept linked to international and regional conventions and writings of similar, vintage." Human Rights cannot remain confined to physical well being of the individual, but they "must expand to comprehend all those conditions in a society that makes human existence possible with dignity and honour".

2) HRE "must address the need of evolving new structures of knowledge and accountability, it has to impart new skills and sensitivities amongst holders of state power.

3) Make people aware about human rights.

4) Strategies to be adopted are. (a) all modalities-formal, non-formal and informal (b) linkages and networking with the NGOs (c) focus on field experience and action-oriented ways of learning and teaching (d) should have strong components of research, training and public information for which audio visual aids and distance mode of education can be used (e) various extension programmes will be given human rights orientation and legal aid programmes should be activated more vigorously (f) courses on human rights will either separately be introduced or existing courses suitably revised to accord 'people' centre of academic treatment and (g) various employment avenues will be explored for human rights teaching and lawyering.

There are many other areas which the Position Paper has focussed on with a hope to make HRE at least not to go the way of normal college and University education which, it has been universally criticised, has produced millions of unemployable graduates divorced/distanced from a good treasure of social values which have provided till the other day cohesion on and sustenance for a culturally plural society in India.

The first batch of the beneficiaries from the earmarked funds of 1.5 crores included seven Universities for conducting of Courses, nineteen Universities for holding seminars, seven for holding HRE Workshops and forty one colleges for holding seminars. Delay in mobilisation of funds has been made good by their fair distribution throughout the country contrary to practices in the past.

Comments

But, how far such a hope is justified, especially in the context of the University system today?

A comment with a comprehensive scope will have some unfavourable unsettling implications on this noble hope. If University education is all about the elite (Ref. Russell Jacoby's observations supra), HRE meant to make vast masses aware about human rights (so that a rights culture/ambience is generated) might have to get short-shifted in the hands of the academic decision- makers who need no less to be taught in human rights than the general populace. Difficulties of reconciling these emergent opposites have some statistical back-up: not more than seven percent of the Indians are in the bracket of the tertiary level learners. Which only shifts the focus to various extension programmes. But in a centrally directed system of education administration, even when these extension programmes are given the human rights orientation, the relative importance is likely to be very marginal as is the case with the NSS and other programmes. Dedicated address to such a human need may require reversal of priorities or at least, call for re-designing of allocation strategies for effective prioritisation.

From this comprehensive comment, flow some other not-so-self- consistent points. For example, how does one make sure that HRE should (rightly) remain inter-disciplinary in perspective when (i) the decision to grant funds (for the first time after the

Position Paper) for Course development work has gone in favour of departments of Law and Political Science (the only exception is the Registrar of Andhra University). (ii) even if the awardees may ensure the inter-disciplinary focus, local university's structural constraints are likely to come in the way of desirable appointments of a Professor and/or Readers, Lectures since (a) such qualifications are not being insisted upon and (b) little guarantee is available that they may not fall prey to local cross-currents since accountability (in a rigidly centralised system as obtains now) is definitely not a strong point with the outreach windows like colleges. Except in a situation of a distributional and decentred mode with autonomy for planning and decision - making at each such distributed level, the noble intentions of the Position Paper may run into the dreary deserts of routine toleration of steady systemic degeneration. Even the hope for "co-ordination with and by the National Human Rights Commission for a purposeful use of extension programmes" may not take the genuine tasks envisaged, too far. One feels tempted to select an elitist bias in favouring PG level courses, that too of two disciplines to begin with, disprivileging awareness oriented small modules to be taken up in the second phase. Actually, essentials of HRE consist in active learning for empowerment of the masses of people, which alone can make sure that the fabric of democracy, development and peaceful coexistence have been firmly edified. For this we have to wait and one only hopes that Courses meant for common people may not get the, priority far below those meant for post-graduate students.

The above should be construed less as criticism, if only at a macro-level where structural flexibility is organically tied to the centralising ethos of the modern state with a panoply of outfits designed more for administrative convenience than for participative management. Otherwise, for the bastion of higher education, so much of focus on "all modalities", extension programmes and an official willingness to partner with outside

organisations far away in the field is a very welcome rush of fresh reforms.

HRE at IGNOU

The distance education system has taken up HRE through distance mode with the setting up of a Project unit at the apex body, IGNOU. The defining features which distinguish HRE through distance mode include among other things a considerable measure of flexibility in all sectors - course design and development, collaboration and net-working with governmental Units and NGOs, management of the Project (which includes, for example, involving human rights activists who may not be qualified) to be or may not be, in the colleges and Universities) extension outreach, which has been emphasised in the UGC Position Paper constitute a structural feature of distance education which is what makes it so much suitable to take up the development oriented social education tasks with considerable ease. The Certificate Programme in Human Rights at IGNOU consists of three courses, namely.

1. Society, Development and Human Rights
2. Human Rights and India
3. Human Rights. What we can do?

The first two courses focus on conceptual exercises, International Bill of Rights, Right to Development, Democracy and international order, Right to Education, Right to Information, health, shelter etc., Rights of special categories of people (women, child, old, disabled, dalits, tribals, refugees etc.), understanding of human rights through India's heritage, its colonial phase and the modern constitutional practices, various human rights movements etc. The third course is unique in the sense it is a Work Book consisting of exercises evolved through a variety of methodologies (MCQs, group discussions, court scenes, mock debates, human rights movement stories etc.) The Work Book is designed to enable the learner to concretely

utilise procedural exercises given in the Work Book like how and whom to complain, how to interview, how to gather data and move a Consumer Court file a PIL (Public Interest Litigation) etc. The quintessence of the Work Book lies in the fact that specific NGOs' assistance is being sought to develop exercises suiting to the target groups. The Course is meant for the police personnel, NGO functionaries, primary school teachers, Panchayat Raj functionaries etc.

Besides the above, we have about 14 Cassettes on human rights themes and though on a lesser scale, action projects are being planned on two crucial areas. Right to Food and Right to Information in collaboration with some NGOs in Kalahandi, Orissa. The Course will be available for offer from July 1999 onwards.

The Tasks Ahead

The University-level education on human rights should have its priorities first for research and teaching on human rights understood as an evolving and continuous system of meanings. The knowledge-base must seek to embody (i) the right to development as the central theme for a developing country like India where all plans and programmes must respond to human rights requirements and (ii) human beings occupy centre of stage and it is not the development of human beings which is the aim. Human beings in development process (i.e. participation and equality are focussed) which matter. Such a perception would logically lead to essays in empowerment of hitherto neglected human groups. It is again not the human development which is critically central, through most of the corpus has to be occupied by such analyses. As members from a Third World society, the core of the human rights learning lies in offering such themes and perspectives which would serve as a counter to what is graphically described as 'human rights imperialism' in peace times, especially surfacing in the wake of the end of the cold war. The counter hegemony perspective

is essential to us as is the inseparability of duties from the Rights that we have to learn. Anything derogatory to human dignity, however sanctified by a religion or a caste or a canon must be repudiated, if only our own Asian peculiarities are to find maximum accommodation in the human rights conceptualisation done by the Vienna Congress. "While the significance of national and regional peculiarities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the states, regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms".

Another important point for human rights teaching/learning is that we now have a global consensus available on the conceptual domain of human rights and no body should indulge in free wheeling exercises peculiar to his/her thinking after the consensus was reached by about 7000 participants from 171 states. Vienna Declaration and the Plan of Action should serve the universal reference point for discussions, lessons, teachings, critiques etc. on human rights.

Proceeding through such a route would enable us to fix priorities, formulate strategies and elaborate practical recommendations so that in the year 2000, a concrete mid-decade appraisal of the first phase can be undertaken for a strategic evaluation and resource planning for the second phase of five years. The Plan of Action for the Decade of HRE implies "a set of integrated and complementary activities". Which only means that no single sector, all by itself, (and this includes University education as well) can rise to be able to meet the challenge of the Decade which consists, according to Jose Ayala Lasso, in "the goal of making human rights a language that all human beings, united in their differences, will share in a spirit of tolerance, equity and solidarity".

If a counter - hegemonic paradigm of human rights meaning is essential for a human rights culture or to ultimately

make human rights "common language of human kind", it is no less important to guard against any official political attempt to hi-jack its 'soft' and 'generic' corpus for re-packaging in various garbs like religious education. The words of advice of Senarciens (former Director, Division of Human Rights and Peace, UNESCO) are important, "the idea that human rights can become a sort of substitute for religions or morals should be resisted".

The foremost responsibility one expects from the current regional Conference is not only to undertake a survey of the issues and trends regarding HRE in the light of the World Plan of Action but, pro-actively, it should also make efforts to forge global networks for exchange of literature in the field, for which India, given the quality, is far behind despite all (quantitative) pervasion. It is understandable that it is mainly so because there has been no background worth the reckon whereas European countries had set in motion national endeavours in 'political education', 'political literacy' etc. as back as early seventies. If the European Human Rights Convention is the most effective human rights regime today, it has largely been due to the educating efforts undertaken under the auspices of the Council of Europe. The point being made here is that since efforts to build educational initiatives are necessary in the areas of documentation, research (based on concrete day-to-day experiences of social interaction and daily behaviour) and above all, training of human rights activists (as master trainers, to begin with). It is not enough that dedicated sectors come up to undertake such exercises. What is more important is to integrate all of them under competent co-ordination and effective guidance for a solitary goal. How to make human rights learning influence social behaviour so that a peaceful, tolerant and democratic society results in a society in which development is to be believed and enjoyed as a consequence of equitable participation by all peoples.

15

The role of political developments on human rights education in Iran

Eftekhar Jahromi and Amir-Arjomand

Status of human rights education before the revolution (prior to 1979)

During the pre-revolution period, the previous Constitution recognized public freedoms. In this period, students would normally become familiar with governmental and civil institutions through the so-called "civil and social education" course at the secondary stage in the high school (i.e. from the age of twelve years). In the textbook used, human rights and public freedoms were not particularly discussed in any way. In fact, there were no public education programmes on respecting human rights. The position of public education in human rights was closely linked to the political atmosphere of the country. For example, despite the Act of 1960 which envisaged the establishment of a body called State Council, this body never came into existence. The said body had to possess a juridical control over the acts carried out by the government or governmental entities and, accordingly, was to protect citizen's rights vis-a-vis the government. At the higher education level, human rights were not among the subjects taught. Even the setting up of "Tehran International Human Rights Conference" could not influence the development of human rights education. The media did not concern themselves with any duty in this regard. In principle, educating public of their political and social rights was not a duty felt by the governmental entities and the media, as these were strictly controlled by the government.

There was no free flow of information. In reality, the non-governmental institutions which were the symbols of a civil society did not exist. The only activity which could have any effect on promoting human rights education was the publication of a "human rights review" with a very limited number of copies.

Status of human rights education after the revolution (after 1979)

The Constitution of Islamic Republic of Iran recognised individual rights and freedoms in a more elaborate way. At the beginning of the new government, promoting human rights education and democracy was carried by the NGOs and newspapers. Textbooks on civil and social issues had become deeper in substance. Nevertheless, they tend to describe the institutional aspects of the government and their duties rather than concentrating on the individual and public rights and freedoms. With the occurrence of the Iraq-Iran war the progress of political development was slowed down. At the higher education level, the subject of "Human Rights" became a part of the faculty of law, curriculum for undergraduate students, though still it was treated as an optional subject. For the graduate student doing public law course, various subjects which directly or indirectly concerned with the individual rights and freedoms were introduced. Presently the most comprehensive and thorough study of public freedoms as well as democracy are carried in this course. From 1993, with the introduction of a doctorate course on public international law, the subject of "Human Rights" is an obligatory part of this course. This will increase the number of specialists on human rights and will surely promote knowledge and education on human rights.

In addition, there have been a number of NGOs whose main objectives are promotion of human rights education: an example is the "Iranian Human Rights Society" established in 1993.

The major development on public freedoms and human rights, however, has begun from the new era of political development, namely from 1997. Ever since, newspapers and NGOs together with some governmental institutions have played a major role in promoting citizens rights and public freedoms. Likewise, the question of human rights and public freedoms became more interesting and seriously debated at the university level. In some fields such as the protection of environment, some educational activities have been carried out at the primary school level but, unfortunately, there has not been any modification or amelioration in the "civil and social education" textbooks at the high school level. It is hoped that this vacuum will be filled very soon.

It seems in the present situation that the newspapers are playing an important role in promoting public freedoms and human rights education nation -wide. The radio and television almost everyday broadcast programs on this subject, some of which are more specialized in nature.

But what is totally new is the active participation of some entities of the Executive in providing information on the citizens rights and public freedoms as well as educating the civil servants: an example is the Ministry of Interior. Recently, the Executive have established the so-called "High Council of Information Exchange" under the supervision of the President. In this Council, there is a special committee whose duty is to inform the public of their political and social rights and duties: in particular *vis-a-vis* the government. Undoubtedly, the activity of this committee will play a major part in the development of human rights education in general. It is also worth mentioning here the role of the "Committee on the Pursuance and Control of the Enforcement of the Constitution" which has a special sub-committee on education of fundamental rights. Finally, the election to the "Local Councils" which is going to be held in March 1999 will be an important instrument in facilitating a practical way of educating in democracy and citizens rights

which is a new subject in Iran.

To conclude, it would appear public freedom and human rights education in substance, scope and effect closely depend on political development. Although, the education of public freedoms and citizen rights as subjective elements play important role in the progress of the political development, political will for such development is a necessary condition for effective education in human rights.

16

Human Rights Education in Nepal (INSEC Experience)

Devika Nanda Timilsina

INSEC was founded in 1988 to organise people at the grassroots level and to cater to human rights education and awareness programmes. INSEC views that human rights movement will sustain only when it is associated with the needs, exigencies and initiatives of people. This conviction, tested over the past ten years, brings to us a satisfactory result; people are involved in the application, promotion and protection of their rights.

INSEC operates through networks; INSEC affiliated independent organisations in districts, and its representatives. Human rights education programme particularly focuses on women, children, bonded labour and the so-called untouchables. Each group has been addressed with a specific programme.

In Nepal democracy is taking roots, care and caution is needed to nurture it. This is only possible when an active involvement and conscious support of general masses is sought. A very effective way of safeguarding democracy is to have the citizens politically informed . There can be no other method to solicit people's commitment to achieve sustainable democracy other than educating and enabling them to participate in democratic processes.

The main objectives of INSEC human rights education programmes:

- Educate people about their basic and fundamental rights and encourage them to participate in their enjoyment
- Encourage people (through voters education,election monitoring, etc.) to participate in the democratisation of their societies (such as women leadership) so that people's representatives can take decisions about matters which are very much related to their lives and societies.

Contents of Human Rights Education

- concepts, ideals and development of human rights
- democracy
- social justice
- development
- women's rights, children's rights, the rights of the 'untouchables', and so on
- constitutional and legal provisions relating to these rights.
- remedial procedures (how to lodge complaints in case of violations, etc.)
- concept, strength and need of an organisation

Human Rights Education Programmes

1) Human rights education and awareness Programmes :

These programmes are the main areas of INSEC activities. Through as many as fortyone INSEC Networks, which are also the grassroots organisations, INSEC has been launching human rights and social awareness programmes for the last seven years now. The methods of education include training workshop, seminars, conferences, publication of newsletters, posters and pamphlets, rallies and demonstrations, exposure trips and so on. This means that the education programme

includes both the formally organised classes and informal programmes.

2) Radio Education Programme

Radio has been a powerful medium to give a national coverage and an effective means to reach every stratum of people in all corners of the country. INSEC's Radio program on Human Rights Education, begun in January 1995, has been able to make a powerful impression at all levels. Many surveys conducted by the radio officials have established that the INSEC Radio Programme is being listened to and favoured by many people. The method includes interview with renowned human rights defenders, reporting of key human rights seminars/ workshops, human rights drama, human rights essays and so on.

3) Human Rights Year Book

Human Rights Year Book is one of key INSEC projects which has also been used as a means of human rights education. The book is a compilation of the incidents of human rights violation in the country. It deals with some topical issues of the year. It also includes the analysis of political parties in terms of the situation of human rights, and reactions received from other sources. This way, it has created a platform through which human rights issues can be propagated

4) Education for Children

Child Awareness Groups (CAGs) has been formed to co-ordinate various school programmes which range from school compound cleaning to the conduct of formal school programmes such as poetry/essay competition amongst students, publication of wall magazines in schools etc. The School children also assist in community programmes, such as innoculation, administration in communities, tree plantation and so on.

Through these programmes, INSEC aims to disseminate the message of the Rights of the Child.

These students are also encouraged to participate in other community programmes. In future, the elder children of CAGs will be facilitated to run literacy classes for out-of-school children to prepare them for formal school education.

In a nutshell, above all, human rights education programmes of INSEC are what we can term 'grassroots level awareness programmes'.

17

Human Rights Education in New Zealand Schools

Bruce Coleman

Human Rights Education in New Zealand

The New Zealand Human Rights Commission was established by an Act of Parliament in 1977. The Commission's empowering Act was amended in 1993. That Act established one of the key functions for the Commission.

"to promote, by education and publicity, respect for and observance of human rights". (S5(1)(a))

The New Zealand Human Rights Commission has had a separate education function since 1993. Currently there are three education staff nation-wide. The small number of staff and the large size of the task has meant we have had to adopt strategies that have had the greatest impact with the limited resources available.

These strategies have included:

- Training trainers and information providers Producing training and information resources
- Assisting others produce training and information resources
- Training for key sectors of society where complaints or human rights violations have been prevalent
- Speaking at key conferences. workshops and seminars

In the recent past projects completed by the Commission

have included:

- Promotion of the provisions of the new Act
- Training for employers and human resource personnel
- Sexual harassment prevention training for schools and employers Education for students and providers in tertiary education institutes
- Guest speakers at conferences, workshops and seminars

The Education team's current major projects include.:

1) Education for the state sector. Currently "anything done by or on behalf of the Government of New Zealand" is exempt from some of the provisions of the Human Rights Act (Section 151(2)). This clause was due to expire at the end of this year. What will replace it, if anything, will be up to Parliament to decide over the next few months. The Commission is anticipating that the state sector will have some responsibility to comply with the Act. It has begun an extensive, multi-level approach to education of the state sector, i.e. Government Departments, Ministries and State Agencies.

2) Education for people with disabilities. Since the change in the Act in 1994 complaints from people with disabilities have comprised a growing proportion of complaints to the commission. Many of these complaints have had wide-ranging implications for society, e.g. Access to tertiary education, public transport, banking and telephone services. The Commission has initiated a programme called "Tu Tikanga" to train people with disabilities about the Act so they can then go out and train other people with disabilities about their rights.

3) Over 80% of employment-related complaints involve small businesses, i.e. businesses employing less than ten employees. The Commission is adopting initiatives to inform and educate small businesses about their responsibilities under

the Human Rights Act.

4) In New Zealand many people who have queries or are seeking information about a particular topic, will first contact a community information provider. The main two providers with offices throughout the country are the Citizens' Advice Bureaux and the Community Law Centres. The Commission has adopted a "train the trainers" approach to ensure that all these centres have up-to-date information and informed staff.

5) From the 1 February 1999 compulsory retirement clauses in collective and individual employment contracts will be unlawful. Over the past year age discrimination in employment complaints have been the fastest growing area of complaints. The Commission has embarked on a number of initiatives to inform employers and employees of the changes.:

- two full day conferences planned for March 1999
- community-based workshops
- guest speakers at conferences
- participation in research
- assistance with printed and video resources
- training and assistance for individual employers

The Social Studies Curriculum Resources

Over the past few years the New Zealand Government has undertaken a major reform of the education sector. Part of that reform has been to undertake a complete re-write of all the curriculum areas for primary and secondary schools. To date, curriculum statements have been completed for Language and Languages, Mathematics, Science, Technology and Social Studies.

The new social studies curriculum replaces one that had been in place for over twenty years. The new social studies

curriculum represents a major change in style and content from the previous curriculum. No longer does the curriculum consists of a range of topics and things to cover, eg the causes of the First World War, the economy and social structure of Fiji. It now consists of achievement objectives at each level of the curriculum and requirements about the processes, skills, settings and perspectives that are necessary to meet these achievement objectives. Primary and secondary schooling in New Zealand consists of years one to thirteen. These have been divided into eight overlapping levels to allow for variations in rate at which children learn. At each level there are five strands, namely:

- Social Organisation
- Culture and Heritage
- Place and Environment
- Time Continuity and Change
- Resources and Economic Activities

Each strand at each level has two achievement objectives. Achievement objectives are written in general terms, eg:

how leadership of groups is acquired and exercised

(Social Organisation Level 3)

The first challenge for the Human Rights Commission was to find the strands, levels and achievement objectives that would accommodate human rights education. Social Organisation offered the best opportunity. Levels 2, 4 and 5 were chosen to give a good spread through Primary, Intermediate and Secondary schooling. These roughly equate to years 4, 8 and 10 or mid primary, intermediate and junior high school. The achievement objectives chosen were:

Level 2: How participation within groups involves both responsibilities and rights.

Level 4: How and why people exercise their rights and meet their responsibilities.

Level 5: How and why people seek to gain and maintain social justice and human rights

The second challenge the Commission faced was to package the huge range of human rights and settings in which they apply into a format that would be meaningful to students at their age and level of social development. After extensive consultation the Commission concluded that what was needed was a focus on some "key understandings" about human rights. If students understood these key concepts and could apply them to real-life situations this would be more valuable than simple knowledge of human rights. The key understandings chosen were:-

1) Human Rights are universal, indivisible, interdependent and inalienable.

2) Human Rights apply in a range of different areas of public and private life.

3) Human Rights are context specific. They may be applied in different ways in different settings.

4) Children have particular rights which apply to them.

5) Rights may conflict with the collective or individual rights of others. Some rights may need to be balanced against the rights of others.

6) If they are to be effective, rights need to be promoted and protected.

The third challenge is to ensure schools will use the resources produced. Potentially all children in New Zealand will be taught human rights at least three times during their compulsory schooling. However, no school is obliged to teach human rights. From the year 2000 schools must teach the Social Studies Curriculum, but how they teach the achievement

objectives is up to the school. To maximise the chances of schools using the resource, the resource needs to be of the highest quality. In order to achieve this the Commission has:-

- let the contract to write the resources by open competitive tender
- established an Advisory Group of human rights specialists to ensure that the human rights concepts in the package were accurate and compelling
- established a Reference Group of teachers and teaching advisors to ensure the pedagogy is state of the art and in line with the social studies curriculum

The final challenge the Commission faces is to ensure that all school Heads of Department and teachers know about the resource and are familiar with how it can be used. Sometimes resources are sent to schools and never find their way into classrooms. To ensure this does not happen the Commission will:

- translate the resources into Maori for use in Maori language schools (kura kaupapa Maori) and bilingual classes
- educate teacher training providers on the use of the kit so it can be incorporated into teacher training courses
- negotiate with the Ministry of Education to include it in professional development and staff training courses
- promote its use to social studies advisors to schools
- promote it through regional Social Studies Associations
- ensure it is promoted through education publications such as the Education Gazette, "Starters and Strategies", "Education times" etc.

The resource will be available to schools in 1999. To ensure the material remains current and is able to be added to, the

printed resources will be supplemented by material on the Commission's Internet website. Proposals for the development of the website to support the social studies curriculum are still being developed but they could include:

- An opportunity for teachers to post ideas for alternative and extension activities to add to those in the printed resource. Good examples of these exist for other curriculum areas, e.g. English
- A question and answer forum. Questions from students and teachers answered by the Human Rights Commission staff
- A means of updating materials, e.g., new case studies, Commission opinions, court decisions, publications etc
- An opportunity for students to publish articles, poems etc. in a "virtual magazine"
- A list of other human rights sites on the Internet

In summary then, later this year (1999) all schools in New Zealand would have available a Human Rights Education kit called "Te Ara Tikanga Tangata". This translates as "the human rights pathway". The kit will consist of three units, one each at levels two, four and five of the social studies curriculum. Each self-contained unit is made up of modules of resources and teaching ideas about human rights. The overall learning objective is that students will have an understanding of the six key understandings about human rights and will be able to apply these understandings to real-life situations relevant to their age and social development. The written materials will be supported by materials being developed for the Commission's website. The materials will also be translated into Maori, the indigenous language of New Zealand.

18

Formal and Non-formal University Education in Human Rights - A Romanian Case Study

Lidia Elena and Emil

Introduction

Romania, a country in Central Europe, has a population density of about 100 inhabitants per square kilometer. It is divided into forty counties and its capital city is Bucharest. The country's climate is continental-temperate and the relief is mountainous (31%) hills and plateaus (33%) and fields (36%). In Romania there are various religions: Christian (with several branches, 90%), Muslim and Mosaic (10%) and various nationalities (Romanians - 89.4%, Hungarians - 7.1%, Germans - 0.5%, Turks - 0.1% , Ukrainians - 0.3% etc). The country had almost 50 years of socialist and communist dictatorship, which only formally announced equal rights for all citizens. In the Constitution of those times, just like in the present one, there were provisions for human rights.

But as it is well known, under the totalitarian regime there was no liberty of speech and the press was censored. Indoctrination with so-called "socialist" ideals, in a way similar to Christian beliefs, started from infant education and permitted, as time went on, to change the mentality of a great majority of the population. This allowed the appearance of a new elite only in domains that are purely theoretical - like mathematics - or in technical disciplines, but without the possibilities of undertaking practical approaches. Thus, these were also

prevented from being developed. Access to information was a great problem both in the fields of science as well as at individual level. This brought about an isolation of Romanians from the rest of the world.

The dissemination of information is an important factor in the building of a universal culture of human rights. The special events concerning human rights-such as the Commemoration of the Fiftieth Anniversary of the Universal Declaration of Human Rights are important factors in marking and highlighting the awareness of education in human rights.

Recent measures adopted in the Romanian Education System concerning minorities rights

The Ministry of National Education has taken several important steps in respect of human rights related education, keeping in mi nd minority interests, preservation of culture and language, the right to new form of education by all citizens regardless of race, religion, nationality or gender.

The Ministry has also adopted measures of specific significance. These refer to the elaboration of schoolbooks about the history and traditions of minorities in Romania, launching a program of schoolbooks translated from Romanian, cooperation with other countries in the elaboration of school books or the adopting of school books from other countries with the authorization of the Ministry of National Education. There is the Romanian Hungarian Foundation for Youth project in implementation. The group of pedagogical research in Hungarian has been re-established at the Institute of Sciences in Education. The Centre for Continuing Education in German has been established at Medias, applying the cooperation agreement with Germany in education. The equivalence agreement of certificates and diplomas with Hungary has been forwarded to the Parliament. The equivalence agreement with Slovakia has been signed and negotiation for similar agreements

with other neighbouring countries has started. A program of positive discrimination of Romany has been launched to satisfy their desire to study in high schools and faculties. In the National Councils that assist the Ministry of National Education, the representation of specialists from the education in national minority languages has been allowed. All the initiatives and applications of staff, pupils and students of national minorities, elaborated according to today's legislation, have been promoted and attended to by the Ministry.

A real education reform profitable both to pupils, students and teaching staff is in full development. Specific measures for education in the languages of the national minorities have been applied. The year 1998/1999 was the year of reorganizing the school network, an operation which yields, response to the existing requirements forms (grades), sections, school units in Ukrainian, German, Turkish, Serb, Polish etc. Romania has applied the Framework Convention for the protection of National Minorities and European Charter for Regional and Minority Languages (1998), which is yet to be defined. Development in a multicultural profile in universities, envisages the present governing programme, that is to be materialized by the extension of education in Hungarian system (in sections such as ecology, archeology, library management, political sciences, etc.), in German (journalism, public administration, etc.), the extension of bilingual colleges and the opening of a trilingual college. During this academic year, the universities in Cluj are to inaugurate the Faculty of Open Studies, having an interdisciplinary and interlingual profile . The pedagogical colleges in various cities have adopted university structure (Bucharest, Constanta, Iasi, Cluj, Timisoara, Sibiu, etc.), the university in Cluj inaugurates the master program in Judaic studies, and at the University of Bucharest the Institute of Judaic Studies comes into being. The Hebrew School opens in the capital city. The historical curricula incorporates the tragedy of the Holocaust. Education in German will extend and

considerably be strengthened by applying the program announced by the Ministry of Education, centering on the re-establishment of German studying in school and high schools.

In order to strengthen the training of Romanian specialists in the knowledge of the languages and literatures of neighboring countries, and support the promotion of the cultural identity of the national minorities in our country, sections of academic specialization in Czech, Polish, Slovak, Serb, Ukrainian and Turkish language and literature have been initiated.

The two practical problems encountered in the last years of minority education are the ensuring of schoolbooks in their respective mother tongues and teacher training. The Ministry of National Education approaches them with new realignments and cooperation ceaselessly with the minority education representatives in our country and with European educational systems. The approach to minority education is focused on the support of cultivating linguistic and cultural identity in a democratic Romania, favouring dialogue and diversity, which are implied by the present European architecture.

When it comes to human rights, religious prescriptions also intervene. With the various religions in our country, both religious institutions and individuals have the right and freedom to exert their rights and beliefs without any interference. This is materialized in the teaching of religion as a subject included in the curricula in primary and secondary schools, and in specialization in faculties with religious profile. At North University, Baia Mare we have sections such as Orthodox Theology and Greek-Catholic Theology coupled with Romanian language and literature.

Formal education in human rights

Higher education has attempted to overcome the problems of being part of the socialist and communist block, in an attempt to reach the fundamental scientific laws. In this light, in

Romania, the following fields have developed: technical sciences, mathematics, physics, biology, which hardly depended on the social organization. Nowadays, we pursue the development of actual domains for human rights. Before 1997, there was no special department focusing on human rights in Romanian universities. Romania's National Commission for UNESCO and IRDO (Romanian Institute for Human Rights), decided to propose the establishment at North University Baia Mare of the UNESCO - Chair of Human Rights, Democracy and Peace, because it is an area, in the north-western part of Romania, in the proximity of the Hungarian and Ukrainian borders, with a rich tradition in interethnic and inter-faith tolerance. The University is also a member of the IAU and of the Alliance of Universities for Democracy. The chair will be a laboratory for experiments and research for non-governmental organizations in the area, such as civics, ecological, child protection, human rights protection organizations as well as for the problems of minorities. A the level of academic training, students will have the opportunity to encounter new topics and subjects such as: *Human Rights - Universal Values, Public authorities and Citizens, Democracy as a governing system, The culture of 'peace and the struggle against interethnic intolerance. The individual and society in contemporary world.* The UNESCO Chair will co-operate with the authorities at various levels in implementing especially the UN Universal Declaration of Human Rights.

North University of Baia Mare enjoys the participation in international educational projects in the field, such as the Civic Education Project, providing Romania with opportunities of being part of international events. There is also the opportunity for students to communicate with the entire world through the world wide web and have access to information, through foreign languages and the diversification of specialization existing in the University.

Analyzing the factors that contribute to the education for human rights, first of all, we have to start from the present legislation. In this light, the Constitution of Romania covers a wide spectrum, from political parties to religious groups to preservation of culture and language. It also ensures the framework for the implementation of the international conventions and protocols Romania has adhered to recently.

An important factor in the legal framework is the reform of education in Romania. The educational system of the country is divided into primary, elementary, secondary and higher education. Everybody has the right to free education. The admission and shift from one level to another is on the basis of performance, without any discrimination, be it social, ethnic or religious. Awarding of scholarships is also based on performance. Persons who are physically handicapped have the same rights and facilities as any other social category.

Within the framework of higher education there is an open and democratic participation in the leading and managing of institutions. This fact materializes in the participation of students in university leadership (Staff Councils, Senate). Students have the right to organize themselves in specific bodies such as student leagues. They participate in scientific events and in the cultural and artistic life of the institution and community.

Along the subjects that develop a horizon for youth in the field of law, religion, science, we consider it important to create an atmosphere of continuous collaboration between staff and students in a friendly way and in an atmosphere of mutual understanding.

Non formal education in human rights

We have sadly observed that whenever they established absolutist relationships, they made a mistake. Universities in Romania, and ours in particular, have tried to take into account all factors that have bound and separated us at the same time.

The methods by which these can be achieved are: first of all there are the presentation of all the elements and mainly the deep knowledge of religions, nationalities, parties that coexist. This is the reason why the organization of the UNESCO conferences on human rights is so important. We look up to other nations, religions, and we see that there are others, too.

Secondly, we have tried to develop preoccupations common to all. We refer to studies that do not depend on the religious aspects, on race or nationality, obviously useful to the present society.

The third, but not least, is permanent supervision, just like in a family, so that any little problem in a community should get a solution provided by the entire community. We consider this to be the most difficult to achieve and it requires the whole attention of the academe.

The parents must promote such an education that will help the young people to develop their ability for peaceful living in the family, school, local community, country and planet, in the spirit of wisdom, charity and duty. The youth must be inspired by the idea of a peaceful and democratic world community.

In our view of the university education of youth for respecting human rights, we start from the actual fact that the existence of the laws in force is essential but it is not sufficient to discuss about a society which respects these laws.

Abiding to laws is a complex subject while the role of education generally, and higher education especially, is another subject. How can we educate our youth to respect laws? The answer is extensive and difficult. Education starts in the family regardless of nationality or religion and continues along with the individual's life. In universities, the youth are at the right age to assimilate the ideals of their age, including human rights issues, within an education system which is non-political. The learning environment should be one of safety and trust, in the scientific truth, among students and teaching staff. We should

be receptive to any problem raised. The academic community should teach the faith in the rest of the community so that this should set an example for the entire community.

Obviously, we emphasize the main objective, the complex and specific education of youth that should go beyond the particular differences of religion of nationality, but not neglecting these. We are glad that these conferences referring to the education for human rights make us aware of the differences and help us to find the measures to use for the benefit of us all.

Imagine, if we were all of the same race, nationality and religion, how color-less life would be! Let us be happy for these differences that enable us to enrich our existence on the planet. We do not wish to educate in the sense of uniformity, but in the sense of using these differences constructively. Life can be so rich! Perhaps as rich as India's vegetation after the rainy season.

In a world which has emphasized human rights more and more as a consequence of sad events such as wars, authoritarian political regimes, interethnic and inter-religious conflicts, we, educators, regardless of the level of training, are called upon to facilitate and improve the awareness of respect and attention to human rights issues and join the relevant bodies in the world with all our assistance and concern.

PART III

Human Rights Education and Vulnerable Groups

19

Protection of Human Rights of Victims of Armed Conflicts and Armed Violence

Umesh V. Kadam

Introduction

In spite of several attempts to outlaw the use of force in international relations, the humanity is confronted with wars, armed conflicts and violence, proliferating terrorism and traumatic inflections on innocent civilians in the world than is good for its inhabitants and the reputation of their species as one characterised by the faculty of reason and a sense of morality. Armed violence poses a very serious threat to humanity. In an attempt to ensure safety and progress of mankind, the United Nations, on the one hand imposed restrictions on use of force and on the other, encouraged protection of human rights on universal basis. Peace and human rights are absolutely essential for humanising and harmonising the New World Order.

Establishment of the United Nations in 1945 was the central act of recognition by the war-surviving generation that something striking had to be done to avoid the recurrence of such disasters. The UN Charter with its stress on maintenance of international peace and protection of human rights, was the hub of the international community's post-war reconstruction of its legal apparatus.

At a certain distance from this new dynamism were

humanitarian law and principles, already centuries old, which served humanity by mitigating the suffering of victims of wars and armed conflicts. Certain humanitarian principles have made an attempt to humanise warfare since times immemorial, which existed in different cultures and civilisations. These humanitarian principles eventually led to shaping conduct of arms bearers and growth of humanitarian legal norms. Thus, humanitarian law which was known at one time as laws of war and armed conflicts, and which is traceable to the dawn of humanity's cultural consciousness, has gradually taken shape and gained strength.

Today, this law is increasingly perceived as part of human rights law applicable in armed conflict.[1] This trend can be traced back to the United Nations Human Rights conference held in Tehran in 1968 which proclaimed that "Peace is the underlying condition for the full observance of human rights and war is their negation".[2] This not only encouraged the development of humanitarian law itself, but also marked the beginning of a growing use by the United Nations of humanitarian law during its examination of the human rights situation in certain countries or during its thematic studies. Greater awareness of the relevance of humanitarian law to the protection of people in armed conflict, coupled with the increasing use of human rights law in international affairs means that both these areas of law now have a much greater international profile and are regularly being used together in the work of both international and non governmental organisations.[3]

Objectives of International Humanitarian Law

International humanitarian law seeks to mitigate the effects of armed violence, first by limiting the choice of means and methods of use of force, and secondly by obliging the belligerents to spare persons who do not or no longer participate in hostile actions. It makes a substantial contribution to the

maintenance of peace in that it promotes humanity in times of armed conflicts. It aims to prevent - or at least to hinder - mankind's decline to a state of complete barbarity.

From time immemorial, whenever there were confrontations between tribes, clans, the followers of a leader or other forerunners of the state, certain rules arose for the purpose of limiting the effects of violence. Such rules, the precursors of present-day humanitarian law, are to be found in all cultures. More often than not, they are embodied in the major literary works of the culture - such as in the Indian *epics- Mahabharat and Ramayana,* in religious books- such as the *Bible* or the *Koran* , or in codes of ideal conduct - such as *Manusmriti* or the Japanese code of behaviour - *bushido.* In short, powerful leaders of groups, religious figures, wise men and warlords from all continents have attempted to limit the consequences of armed violence by means of generally binding rules.[4] The achievements of 19th century Europe must be viewed against this rich historical background. Today's universal and for the most part written international humanitarian law can be traced directly back to two persons, both of whom were marked by a traumatic experience of war - *Henry Dunant* and *Francis Lieber.* Henry Dunant - a Swiss businessman who came across victims left unassisted after the bloody battle of Solferino in 1859, took initiative to assist them. To make such assistance a standard practice, medical personnel needed to have a status guaranteeing them protection during combat. His efforts were successful and a small beginning was made by adopting, at his and his associates' initiative, the first Geneva Convention for the Amelioration of the Condition of Wounded in Armies in the Field in 1864 and also by laying foundations of the Red Cross Movement.

At almost the same time, in the United States, President Lincoln asked Francis Lieber, a jurist with extensive knowledge of the customary law of warfare, to compile basic principles

and customary practices followed during wars. The code prepared by Lieber was issued by President Lincoln as 'Instructions for the Government of the United States armies 'in the field'. It was used as the basis for rewriting customary law of warfare subsequently.

The later developments in humanitarian law progressed on the basis of fundamental assumption that it is essential to strike a balance between military necessity and humanity with a view to alleviate the sufferings of all the victims of armed conflicts who are in the power of their enemy; whether wounded, sick or shipwrecked, prisoners of war or civilians.

The present day humanitarian law makes an attempt to mitigate the effects of armed violence in two ways. First, by imposing restrictions on certain means and methods of warfare which cause unnecessary suffering and which are indiscriminate in character in that they affect combatants and innocent civilians without any distinction. Thus, use of poison gas, treacherous bullets, chemical weapons, blinding laser weapons have been outlawed. Secondly, it also affords protection to defenceless in times of armed conflicts. The four Geneva Conventions adopted in 1949 afford protection to wounded and sick members of armed forces, prisoners of war and the civilians. These conventions have been supplemented by the 1977 Additional Protocols.

Convergence of Humanitarian Law and Human Rights

What is significant to note in the modem developments in humanitarian law is the increasing influence of human rights ideals and concepts in reducing the sufferings of victims of armed violence. Although humanitarian law originated much earlier and its context was limited to protection of human person in times of armed conflicts, it shares a common goal with the notion of human rights, namely, both are aimed at ensuring

respect for human life and well being, and compassion for human suffering by upholding dictates of humanity and public conscience. This is not only on a theoretical plane, but it is actually possible to discern human rights in modem humanitarian law. As we shall see shortly, this is more obvious when we deal with internal armed conflicts and armed violence during which most basic human rights are trampled most ruthlessly.

The new law and doctrine of human rights persistently influenced the old humanitarian law of armed conflicts in two ways. First, they shared a concern about human beings in extreme situations. Although human rights doctrine strives for all persons equally everywhere basic liberties and socio-economic benefits, yet the heart of the matter was protection of human beings from abuses and misuses of armed state power; or in other words, from, violent excesses of otherwise legitimate controlled force.[5] In this connection, it is significant to note that all the regional as well as international human rights instruments have enshrined the concept of non-derogable or inalienable hard core human rights.

Let us try to understand what are these non-derogable human rights. The human rights conventions allow states parties to depart from their obligations to uphold human rights in times of public emergency. Thus, if there is a war, armed conflict, armed rebellion or a national crisis, suspension of certain human rights by the state is excused. But, as a matter of fact, the most flagrant violations of human rights occur in times of public emergencies. In an attempt to provide a minimum safety net to human person in times of public emergencies, the human rights conventions do not allow the state to derogate from a few most fundamental human rights even if there exists a grave emergency.[6] These are right to life, the right not to be tortured or otherwise inhumanely treated, the right to trial before sentence, the right not to be punished for what was not an offence at the time of commission, right to freedom of thought, conscience and religion and non discrimination on the ground

of race, colour, sex, language, religion or social origin.[7] These rights are expected to afford protection to human person in times of armed violence when a state is most likely to proclaim a state of emergency.

Although humanitarian law is applicable mainly to international armed conflicts, it is not oblivious to the humanitarian crises occurring in times of internal armed conflicts. Article 3 common to all the four Geneva Conventions of 1949 and the Additional Protocol 11 of 1977 specifically deal with the situations of internal armed conflicts. A careful examination of this law reveals that it too makes an attempt to protect the non - derogable human rights enlisted so by the human rights instruments. Thus, in ultimate analysis, humanitarian law and human rights law offer a comprehensive course of treatment for the pains of humankind suffered from restrictionless use of armed violence at the hands of the state authorities. Both the laws strive to limit the authoritativeness of the state in dealing with its own people. Humanitarian law is thus very intimately concerned with protection of human rights in times of internal armed conflicts.

Although the four Geneva Conventions' common article 3 lays down the basic rules which states are required to respect when confronted with armed groups on their own territory, the true turning point, when humanitarian law and human rights gradually began to draw closer, came in 1968. In that year, during the International conference on Human Rights in Tehran, the United Nations for the first time considered the application of human rights in armed conflicts. The delegates adopted a resolution inviting the Secretary General of the United Nations to examine the development of humanitarian law and to consider steps to be taken to promote respect for it.[8] Humanitarian law thus branched out from its usual course of development and found a new opening within the United Nations, which had hitherto neglected it - unlike human rights, to which the United Nations' attention had been given from the start.[9]

The convergence which began in 1968 slowly continued over the years and is still in progress today. This is profoundly reflected in the Protocols of 1977 Additional to the 1949 Geneva conventions. The fundamental guarantees contained in the protocols are 'm fact inspired by the major human rights instruments, for they contain the principles of non-discrimination, the main prohibitions relating to the physical and mental well-being of individuals, the prohibition of arbitrary detention and the essential legal guarantees. Another example appears in the 1989 Convention on the Rights of the Child which takes note of humanitarian law provisions relating to children and also by laying down rules that are applicable in the event of armed conflicts.[10] These days a number of United Nations organs and bodies, regional organisations and conferences do not maintain a rigid distinction between humanitarian law and human rights while addressing humanitarian crises around the world.[11]

Humanitarian Guarantees in Times of International Violence

One limitation on humanitarian law is that it is applicable to international and internal armed conflicts, but not to situations of internal disturbances, tensions and violence. In these situations, only human rights law is applicable. However, in view of humanitarian crises arising in times of internal violence and the limitations of human rights law to afford protection, an attempt is being made to derive certain minimum guarantees from humanitarian principles as well as from human rights doctrine which should be made applicable at all times - irrespective of the fact whether there is internal armed conflict or internal violence.

This objective was behind the adoption of the Declaration of Minimum Humanitarian Standards in 1990 which is known as Turku Declaration.[12] This text makes it clear from the outset that its drafters are determined not to take a position on any

dichotomy between humanitarian law and human rights law. It proclaims principles " which are applicable in all situations, including internal violence, disturbances, tensions and public emergency and which cannot be derogated from under any circumstances. That determination finds expression in a succession of provisions based alternately on the spirit of humanitarian law and on the spirit of human rights law. This Declaration is gradually gaining support in other international fora and the United Nations bodies as well.[13]

Concluding Remarks and Recommendations

In UNESCO's Constitution it is said that " Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed". Having regard to that pronouncement, our time calls for an unprecedented effort in the field of education and instruction. Better understanding of human rights and humanitarian principles will lead to greater respect for human rights. In this context, the efforts of the National Human Rights Commission of India in encouraging human rights education throughout the country are highly commendable. To promote human rights culture, it is necessary to educate different segments of the society. First and foremost, it must be ensured that the arms bearers - the police, the paramilitary and the members of armed forces ought to know the dictates of human rights and humanitarian laws. The legislators, administrative officials and members of judiciary must also have an adequate orientation in these principles. However, we will be able to render a great service to the generations to come if we imbibe a spirit of humanitarianism in our younger generation. From this generation, tomorrow's political leaders, law-makers, judges, administrators and peace-keepers will take over the responsibilities of managing the human societies and nations. While doing so, if they uphold humanitarian ideals, we shall be able to contain violence, conflicts and wars and ensure peace as well as social, economic

and political justice.

With this in view, we on behalf of the International Committee of the Red Cross, propose that the Pune Declaration to be adopted by this august gathering of experts, may contain a statement to the effect that:

"Education and training in human rights and humanitarian principles are to be included in all educational institutions imparting primary, secondary and higher education In particular, training and orientation in human rights and humanitarian principles may also be encouraged by their inclusion in courses of instruction or other suitable means for civilian administrators, legislators, lawyers, judges and members of police, paramilitary and armed forces."

Notes :

1. *Louis Doswald-Beck and Sylvain Vite International Humanitarian Law and Human Rights Law' International Review of the Red cross, March-April 1993, P. 94*
2. *Resolution XXIII "Human Rights in Armed Conflicts" adopted by the International Conference on Human Rights, Tehran, 12 May 1968.*
3. *Supra, note 1., p.94*
4. *Hans - Peter Gasser,- International Humanitarian law: An Introduction- Henry Dunant Institute, Haupt. 1993, p.6-7.*
5. *Geoffrey Best, War and Law Since 1945, Clarendon Press, Oxford, 1994 p.68-69.*
6. *For a detailed analysis of non-derogable human rights, see U.V. Kadam, 'Protection of Human Rights During Internal conflicts: Convergence of International Humanitarian Law and Human rights Law' in Vol 1, No.2, Bulletin on International Humanitarian Law and Refugee law, 1996, pp.225-237.*
7. *Article 4 of the International Convenant on CIA' and Political Rights 1996.*

8. *See Supra, note 2.*

9. *Supra note- 1, p.112.*

10. *Article 38 of the Convention on the Rights of the child.*

11. *For a detailed enumeration, see Doswald-Beck & Vite, supra note1*

12. *For the text of the Declaration, see EICN.4/Sub.21 1991155 or the International Review of the Red Cross, May - June 1991, pp.330-336.*

13. *For other comparable initiatives, see Hans-Peter Gasser 'Code of conduct in the event of internal disturbances and tensions' International review of the Red Cross, No.262, January-February 1988,pp51-53 and Theodor Meron Draft Model Declaration on International Strife' International Review of the Red Cross, No.262, January-February, 1988, pp.59-76.*

20

Human Rights Education Strategies to Address Problems of Vulnerable Groups in Asia Pacific: Lessons From South Asia

Joseph Gathia

After a prolonged debate it is now accepted in Asia Pacific region that human rights are universal and that the States have the primary responsibilities for the promotion and protection of human rights through appropriate infrastructure and mechanism. This is also reflected in the statement of the governments in the Asia Pacific region (known as the Bangkok Declaration).

The paper is divided into five parts. The first deals with the conceptual part of human rights education. The second highlights the problems of vulnerable groups in Asia and Pacific region. In the next, attempt is made to examine the special features of the coexistence and pluralism in South Asia and how in the current growing globalisation the experiences of Sri Lanka, and Kerala give us a sign of hope. In the fourth part national human rights institutions such as national Human Rights Commission, National Commission for Women,National Commission for Schedueld Castes and Tribes and National Commission for Minorities are analysed for their positive contribution and some examples are cited to show that despite several constraints India and South Asia are slowly moving towards the realisation of human rights for all. In the concluding fifth part, the paper points out that human rights education in the Asia Pacific region will have to develop a new paradigm of partnership to protect the human rights of the vulnerable

sections. Such could be done largely through human rights education among the young, particularly children.

It is in this background one needs to assess how do we, the practitioners and defenders of human rights promote a culture of human rights in the region. For this human rights education plays a pivotal role. Human rights have to be understood, respected and fought for as legal norms within a democratic separation of powers between the legislature, judiciary and executive. This requires an education of both the civil society and common masses. Human rights culture needs to go beyond individual competitiveness and be based on a sense of community and symbiosis. This is where the South Asian experiences particularly of India have some thing to offer to the Asia and Pacific region. In advanced countries the democratic process, largely through the efforts of human rights education, has translated human rights concepts into legal system whereas in Asian concept it remains at an ethical and customary level as some goal concepts such as human dignity and welfare. In this situation the role of human rights education in developing countries faces different kinds of challenges.

The establishment of national institutions such as National Human Rights Commission and National Commission for Women,National Commission for Scheduled Castes and Scheduled Tribes and National Commission for Minorities has shown that despite some hurdles, an attempt is being made to lay down procedural norms. Some initiatives particularly by the National Human Rights Commission of India have helped to move in the area of human rights education. Similarly, the stress on education in Sri Lanka and also in Kerala has lead to better human development index. The efforts of Human Rights Commission of Pakistan in the given situation is particularly praiseworthy where they have challenged the fundamentalist way of justice and pointed out how a person is denied human rights.

All such experiences of South Asia are important as different levels of economy exist in the region and already effect of globalisation is felt across the borders.

What can be done through human rights education to promote social and political action at the grass root level particularly among the younger generation which will be facing the third millennium in a much more different way. In societies or period where we find rigid ranking of domination-whether on the basis of gender, race, religion, caste, class or ethnic origin, we also see gender relations characterised by a painful suppression of vulnerable sections of the society.

The struggle for our future hinges on the outcome of the underlying struggle between the partnership of dominator model for human relations in all spheres of life from our families to politics and economics. It is a struggle that we need to actively engage in. And it is one that we see played out all around us in the current struggle over roles and relations. Has there never been a time when the partnership model prevailed in human society ? Historically South Asian region has been a melting pot of various different ethnic groups which lived peacefully. We are beginning to regain the consciousness that everything in nature is interconnected and that nature was not created just for us to exploit it, that we need to be in a partnership with the nature. This is the message of South Asia. And the more we examine the current economic turmoil which also forms the basis of human rights violations we feel the need to understand this phenomenon.

The civil and political rights as well and economic, social and cultural rights as enshrined in various constitutions of the region and as enumerated in the Universal Declaration of Human Rights are likely to be within reach of everybody only when we create new relationships through human rights education. The vulnerable sections of our society of which various varieties are found in Asia Pacific region will blossom in that environment.

We can then see that some of this regression today goes under the guise of religious fundamentalism- which is in fact a dominator fundamentalism. It is the re imposition of a way of living in which small group controls vast resources and violence is built into the system and justified as divinely ordained.

We need to be aware that we have choices and to make others aware that they do, too. We need to help others become aware of what we see all around us. That human relations can be structured in ways that are mutually pleasurable or in ways that are very much based on fear and pain.

21

Women, Development and Gender Justice

S. P. Sathe

What is Development?

By development, we mean progress towards a just society. It is not measured merely in terms of economic growth but in terms of how much the most disadvantaged have advanced in securing their human rights. A just society is that where each individual is assured of life with dignity, liberty of thought and action, equality, social as well as economic, and justice, social, political and economic. Three essential preconditions of such a society are:

- Growth of the economy so as to serve the needs of the people;
- Liberty, equality and justice to all irrespective of religion, ethnicity, caste, race or sex; and
- A polity which is participatory.

These three are inter-related as well as inter-dependent. There cannot be liberty, equality and justice unless the economy sustains the fulfilment of the demands of every person. There cannot be liberty, equality and justice unless the polity is participatory. An authoritarian polity may produce a strong economy but in such a polity, liberty, equality and justice may be absent. Development, therefore, means economic growth with democratisation of the polity and modernisation of society.

Law plays a very important role in empowering as well as restraining the State. It empowers it to intervene on behalf

of the less advantaged sections of society and restrains it from acting arbitrarily and in violation of human rights. If law were to be understood merely as a command of the sovereign backed by sanction, it could be very authoritarian and inhuman. But the jurisprudence of human rights has provided the natural law parameters for defining the law. The natural law theory defines law in terms of its ideal element. It gives a reference scale for evaluating the existing law. According to natural law, freedom of the individual is a priority to the existence of any State. In that sense, law does not exist to merely satisfy the whims and caprices of a sovereign but to promote liberty, equality and justice.

Global View of Women and Development

The United Nations Development Programme in its 1997 report says:

Gender equality needs to be part of each country's strategy for eradicating poverty, both as an end and as a means of eradicating other forms of human poverty.

The Report further says "if development is not engendered, it is endangered." and if poverty reduction strategies fail to empower women, they will fail to empower society.

Out of the 960 million illiterates of the world, two thirds are women. In developing countries there are still 60% more women than men among the illiterate adults. Female enrolment even at the primary school level is 13% lower than the male enrolment. In some countries, women are still not allowed to vote. New Zealand was the first country to give franchise rights to women in 1893 equal to men. In 1902, Australia followed suit by giving women right to vote in federal elections. They were, however, still barred from voting in local elections. The Scandinavian countries granted the right to vote to women in the first quarter of the twentieth Century, Finland in 1906,

Norway in 1913, Denmark in 1925. Canada, USA and Ecuador gave right to vote to women in the years 1918, 1920 and 1928 respectively. Russia and China extended franchise to women after the revolution. The United Kingdom gave right to vote to women in 1918 but restricted it only to women above the age of thirty. All women over twentyone gained the franchise only in 1928. Even in France, women were not entitled to vote until 1945.

In South Africa, only white men were entitled to vote until 1930. It was in that year that white women were given the right to vote. African men and women received the right only in 1994. Sri Lanka was the first Asian country to grant right to vote to women in 1931. After the Second World War, women earned the right to vote in all countries except a few like Bahrain, Brunei, Kuwait, Oman, Quatar, Saudi Arabia and UAE. In India, women received the right to vote along with men under the Constitution.

Women's participation in the political process has also been very minimal. In 1990, 10% of the world's parliamentarians were women.; 4% of the posts of ministers in cabinets were held by women. In 1993, six countries were headed by women. Women's percentages in Parliaments in 1992 were as follows: Finland, 39; Norway 38; Netherlands 23; Cuba 23; China 21; Tanzania 1 1; USA 10; U.K. 9; Russia 9; India 7; Mexico 7; France 6; Kenya 3 and Egypt 2. This shows that economic development and gender progress are not synonymous. Some of the most economically prosperous countries have low women participation in the political process.

Women in professional and technical positions have been few as compared to men. While in Scandinavian countries, the female-male ratio has been 170 (Denmark) and 159 (Finland) women to 100 men. In U.K. there have been 78, in France 71, in Japan 72, in China 82, in Malaysia 87 and in India 26 women per 100 men. In Pakistan there have been 22 and in Saudi

Arabia there have been 1 1 women per 100 men. Region-wise the numbers of women per 100 men have been as follows: Africa 31; Asia 66; Europe 108; North America 97; and South Africa 104. Among 50 countries reporting their non agricultural wages, the average wage for women is about 75% of that of mens. In China, South Korea, Japan and Bangladesh and Russia, the proportion is less than 60%. In only 4 countries, namely Tanzania, Vietnam, Australia and Sri Lanka women earn 90% of the wage earned by men. After the dissolution of the Soviet Union in 1989 women's wage fell to 40% of the wage earned by men in that country.

Women's access to occupational freedom also came slowly. Norway granted women occupational freedom in 1856, Denmark in 1857, Sweden in 1864, In Russia, the first woman received permission to practise medicine in 1869; Women could not practise law in the United States until 1923. In India, women could not be enrolled as lawyers until the passing of the Legal Practitioner's (Women) Act, 1929.

Sex ratio in the five continents is as follows; for every 100 men there are 101 women in Africa, 105 in Europe, 101 in North America, and 98 in Asia. For every 1 00 men, there are 105 women in the United States, 104 in the United Kingdom, 103 in Canada, 103 in Japan and 103 in Vietnam. As against this, there are for every 100 men 93 women in India, 95 in China and Nepal, 94 in Bangladesh, 92 in Pakistan, 81 in Saudi Arabia and 52 in United Arab Emirates. This shows that in those countries which have advanced economically, the sex ratio is better than in those countries in which economic development has not been so good.

World-wide fertility rate is 3.0 children for every women. 2.1 per woman is necessary for a population to maintain itself In the developed countries, it is 2. 1, in the developing countries it is 4.5. The fertility rates region-wise are as follows: Africa 5.9; Asia 3.7; Europe 1. 7; North America 3. 1; South America

3. 1; Oceania 2. 0. In India, the fertility rate in 1960 was 5.9 but in 1995, it came down to 3.6. In China in 1960 the fertility rate was 5.9 but in 1995 came down to 2.0. In 'Sri Lanka, the fertility rate in 1960 was 5.3 and in 1995 was 2.4. In Pakistan, the fertility rate came down from 6.9 in 1960 to 5.9 in 1995 and in Bangladesh it came down from 7.0 to 4.1 during the same period.

Developmental strategies have been to increase the education of women and to provide them equal opportunities for work. It has been found that where women's literacy increases and they have greater freedom, the fertility rate goes down. In India we have two examples of this. Kerala and Goa have maximum women's literacy (90%) and the fertility in these two states is the least (2.0). Granting women freedom regarding reproductive functions has also had a desirable effect on population growth. About the use of family planning, 38% of the world's population live in countries where abortion is available on request., 46% of the people live in countries where abortions are available on certain conditions such as preserving woman's health, or the possibility of foetus being impaired or the pregnancy resulting from rape or incest and 16% of the population live in countries where abortion is permitted only to save the mother's fife. Countries who do not allow abortion at all are Chile, Andorra, Djibouti and Malta. In Russia after the revolution abortion was available for the asking. Stalin restricted it in 1936 and it was restored in 1955 by Krushchev. In the United States, the Supreme Court allowed abortion as a right but that decision triggered fierce controversy. Abortion is a contentious issue in Canada, France, Germany and Ireland. The Roman Catholic Church is vehemently opposed to it. In countries of East Europe, which disassociated themselves from communism. restrictions on abortions were re-imposed by the Church dominated regimes.

Law and Gender

The above account shows that women are marginalized universally in terms of education, gainful employment, distribution of property, participation in decision making and are subjected to violence, are denied reproductive freedom and often suffer from inequality of opportunities and denial of most basic of the human rights. Jurisprudence has always been male centric and has considered women very peripherally. Law is of the man's world and therefore rarely reflects women's concerns and experiences. It is only in recent years that the feminists started criticising the law and legal practices from the perspective of gender justice. To the lawyers brought up in the tradition of the black Letter law, such criticising was an anathema. The feminist critique of the law developed as an offshoot of the critical legal studies. (CLS) and appeared on the horizon of Jurisprudence only recently. Increase in the number of women lawyers and Law students, strengthening of the women's movements for gender equality and justice and a paradigm shift in the discourse on human rights contributed to the growth of feminist jurisprudence. This not only interrogates various assumptions of the traditional (masculine) jurisprudence but also reconstitutes them so as to reflect women's concerns and experience. Feminist jurisprudence essentially challenges the male hegemony and asks for equal rights with men. It questions the basic assumptions of patriarchy and asserts that in a just society women could not live under permanent subordination. It envisions the law not as an instrument of maintaining the status quo, not merely as manifestation of power but essentially as an instrument of social transformation, which will bring about change in the power relations. Feminism does not envisage replacement of male hegemony by female hegemony but visualises a domination free society and family. The masculine jurisprudence was based on domination. Transition from masculine jurisprudence to feminist jurisprudence is from legal positivism to natural law because

the natural law presupposes that there are rights vested in a human being which are anterior to any State or law. The Feminist theory goes ahead of the traditional natural law theory by including the rights of women not only as limitations upon the State but as positive obligations upon the State. The feminist theory of law is a logical extension of the theory of natural law. At the substantive level, it re-conceptualises the legal concepts such as rights, liberty, liability etc. and at the methodological level it reconstitutes various relationships so as to make them congenial with the aims of gender equality.

Paradigm Shift of Human Rights Discourse

Traditional legal discourses placed women at the periphery. They were to be controlled or pitied or punished. In legal parlance, "he" includes "she" but the discourses of legal rights were so obsessed with "he" that "she" did not figure in them. International law is a law between the states. It mainly dealt with the relations between the states and war and peace. Since women rarely found place in the power structure of a State, their concerns and experiences had no relevance to International law. Perhaps the only place where they figured was the laws of war dealing with how women and children of an occupied territory should be treated. International law was very much a system dealing with power and domination. After the Second World War and particularly after the realisation that the nuclear weapons left no place for an armed conflict, the nations started talking more seriously about disarmament and peaceful settlement of international disputes. The establishment of the United Nations as an institution for maintaining peace was posited on the assumption that all states were equal. The General Assembly of the United States is based on one state one vote principle. The world had witnessed a holocaust during the Second World War which had exposed the horrors of unlimited state sovereignty. The international tribunal set up at Nuremberg recognised that there were certain

crimes against humanity which were punishable under international law. The tribunal also established the principle that obedience to the orders of the superior could not be a defence on behalf of a person accused of a crime against humanity. It brought about the awakening of the inviolability of certain human rights. These rights were first incorporated in the Universal Declaration of Human Rights in 1948.

The human rights discourse did not originate in 1948 with the UDHR. We can trace the growth of human rights jurisprudence since the English Magna Carta of 1215. These discourses were essentially born out of the desire to save an individual, from an oppressive government. After the Reformation and Renaissance, the government replaced the religion which earlier oppressed the individual. The individual freedom required function from the State also. Bills of Rights came to be incorporated in the Constitutions to safeguard individual liberty. They asserted that freedom of the individual was inalienable and transcendental. The rights of an individual did not emanate from the State but they imposed limitations upon the State. We can see this theme in every declaration including the American Constitution's first ten and the fourteenth amendments and the Declaration of Man contained in the French Revolution. Since only men took part in public life and women were confined to homes, which was an arena of private life, these human rights reflected the concerns and experiences of men. It was the UDHR, which for the first time talked of women's rights. It guaranteed the following women's rights.

Article 16:

- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

- Marriage shall be entered into only with the free will and full consent of the intending spouses.
- The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 25:

- Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family. Food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of means of livelihood in circumstances beyond his control.
- Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 23 of the International Covenant on Civil and Political Rights gives the following rights

- The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
- The right of men and women of marriageable age to marry and to found a family shall be recognised.
- No marriage shall be entered into without the free and full consent of the intending spouses.
- States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 7 of the International Covenant on Economic, Social and Cultural Rights recognises the right of everyone to enjoy just and favourable conditions of work, which ensure in particular, (a) remuneration which provide all workers, with (1) fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.

Women's movements also gained momentum during the last three decades. In 1975 a decade of women's development was declared. The first international conference of women was held in 1975 at Mexico, the second at Copenhagen in 1980, the third at Nairobi in 1985 and the latest at Beijing in 1995. In 1981, the United Nations adopted Convention on the Elimination of All Forms of Discrimination Against Women. This Convention in its preamble states that despite various instruments, discrimination against women continues to exist. It recalls that discrimination against women violates the principle of equality of rights and respect for human dignity, and is an obstacle to the participation of women on equal terms with men, in the political, social economic and cultural life of their countries. This hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity. The Convention reiterates that full and complete development of a country, the welfare of the world and that the cause of peace require the maximum participation of women on equal terms with men in all fields. The Convention is very reassuring in its expression of awareness that " a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women." This convention shows the paradigm shift in the discourse on human rights. It obliges the state parties to the convention to take all legal measures towards the abolition of discrimination against women. This was further

reinforced by the Vienna Declaration of 1993 which says that "The human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in the political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds only of sex are priority objectives of the international community. Gender based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of human person, and must be eliminated".

These provisions clearly show that women's rights have been recognised by the international community as human rights. Engendering of these human fights has made the human rights discourse more holistic. All traditional rights such as rights against arbitrary detention and due process of law, equal protection of law and guarantees of freedoms such as freedom of speech, freedom of association are available to men and women but the traditional human rights discourse did not recognise rights such as right to the sanctity of her body, right to reproductive freedom, right against pornography and right against sexual harassment as human rights. These conventions also highlight the point that recognition of human rights subserves the utilitarian objective of development also. There can be no development where half of the humanity is excluded from the fruits of development.

Various international organisations have taken decisions to further gender equality. In 1919 the International Labour Organisation (ILO) adopted an international agreement, the Maternity Protection Convention specifying a minimum maternity leave and other rights to pregnant women. By the end of 1990 this convention was ratified by only 32 countries. In 1951, the ILO adopted Equal Remuneration Convention and in 1958, it adopted the Discrimination (Employment and

Occupation) Convention which prohibited sex discrimination in hiring, training, and terms of employment. Both of these conventions were adopted by more than 120 countries. In 1981, the Workers and Family Responsibility Convention which set the guidelines for childcare, working hours and assistance for women entering and re-entering the work force was adopted. By 1990, it was ratified by only twenty four countries.

Several U.N. agencies and affiliated organisations are concerned primarily with women's issues. Some of these are the International Research and Training Institute for the Advancement of women (INSTRAW), the UN's Development Fund For Women (UNIFEM), UN's Division for the Advancement of Women (DAW) which services the U.N. on the status of women.

Thus, we have now a new paradigm of human rights, which includes women's rights as human rights. The human rights discourse is bound to comprehend the concerns and experiences of various other human beings, which differs with the mainstream in terms of their concerns and experiences. Gays, lesbians and transvestitutes are the categories of human beings whose rights would one day be recognised and protected. The human rights discourses would doubtless be further enriched as they are informed by the concerns of all those humans who today are considered as sub-humans. Even animal rights are now being recognised. We are moving towards a more humane world. The human rights discourse accords recognition to groups rights, which include the right to development. Development now must be a sustainable development and naturally it has to ensure equity in the distribution of resources and their conservation for making them available for future generations also. Whereas the masculine concept of development laid emphasis on colonisation, exploitation, maximisation of profits and consumerism of the few and impoverisation of the many, the feminist view of development would insist on disarmament, non-violence, sustainable development and social justice.

Constitutional Vision

The preamble of the Constitution of India says that the people of India have given to themselves the Constitution which promises to provide for liberty, equality, fraternity and justice. To create these values in a society which had a tradition of social inequality, feudal social relations, political authoritarianism and woman subordination was bound to be very challenging. The Constitution provided for the government to be elected by people through universal suffrage, adopting the Westminster model of parliamentary government, guaranting the fundamental rights of the people to be secured through judicial review and also envisaging an affirmative State which would promote the welfare of the people and take steps towards a new social order based on justice, social, economic and political. (Art. 38) India had to muster her energies against her enemies such as poverty, illiteracy and inequality. An attack on illiteracy would make a dent into poverty and both would ultimately lessen inequality. But inequality was a much more complex problem. It was not merely a result of poverty or illiteracy. In fact poverty and illiteracy were the products of inequality. The Directive Principles of State Policy contained in Part IV of the Constitution provide the philosophy of development. They visualise changes in the economic systems so as to provide for adequate means of livelihood and the right to work (Art. 39, 41, 42, 43). They lay emphasis on development of the human resources. Therefore the Constitution enjoins upon the State to provide free and compulsory education to children below the age of 14. (Art. 45); promotion of educational and economic interests of the Scheduled Castes and the Scheduled Tribes (Art. 46); organisation of agriculture and animal husbandry on modem and scientific lines (Art. 48) and protection and improvement of environment (Art. 48A). They also visualise political changes by providing for separation of the judiciary from the executive (Art. 50) and promotion of international peace and security (Art. 51).

Inequality was a child of India's caste system where a person's status was determined by birth and there could be no vertical mobility during the lifetime. It was a slavery for life with a hope of emancipation in the next life. The dalits (untouchables) and women were consigned to such a fate.

So far as untouchability was concerned, due to efforts of Mahatma Gandhi and Dr. B. R. Ambedkar, a consensus had emerged in favour of its abolition. Therefore, the Constitution declared in article 17 that untouchability in every form was abolished. Parliament was given power to make a law for punishing the practice of untouchability (Art. 33). So far as women were concerned, although they had been the object of the social reform movement which started with Raja Ram Mohan Roy and in Maharashtra was led by Jyotirao Phule, there did not exist a strong movement against patriarchy, which lay at the root of woman subordination and women's exploitation. Women's issues came merely as aspects of charity. Although Mahatma Gandhi opened the gates of politics for women and women came in large numbers, Gandhi did not challenge woman subordination. But he feminised politics by laying emphasis on non violence, peace and passive resistance. Gandhi's approach was essentially moral, rather than legal. Liberals like Nehru also did not give any special thought to women's rights. They thought that equality would come once democracy and socialism were established.

The National Movement concentrated on political freedom giving second place to social reform. The interests of the Scheduled Castes came to be recognised because of the organisational efforts of Dr. B.R. Ambedkar. No such leadership was available for women's issues. Therefore although women's participation in the National Movement increased during Gandhian era, no alternative ideology of women's rights emerged. Most of the Liberals shared sympathy for women's cause but few thought of a systematic change for women's liberation.

Therefore in the Constitution we find provisions for affirmative action in favour of the Scheduled Castes and Scheduled Tribes but not for women. The State was supposed to provide for the advancement of the socially and educationally backward classes of people and particularly the Scheduled Castes and the Scheduled Tribes. (Art. 15(4)) As against that, the provisions for women are to be found mostly in the chapter on directive principles of state policy. (Art. 39, 42) The only provisions concerning women which appear in the chapter on fundamental rights are those forbidding discrimination on the grounds of sex (Art 15 (2), Art. 16 (1)) and enabling the State to make special provisions for women and children (Art. 15(3)). "Special Provisions" do not necessarily mean an affirmative action. The tenor of that provision is patronising, being protective rather man equalitarian. The Constitution provided for reserved seats in legislatures for the Scheduled Castes and Scheduled tribes but did not provide reserved seats for women even of the Scheduled Castes and the Scheduled Tribes. Provisions reserving one third of the seats in panchayats and municipalities for women, including one third of the seats for women of the Scheduled Castes and Scheduled Tribes from within the quotas allotted to those categories were provided under the 73rd and 74th constitutional amendments of 1992. This was the first measure by which women were given a guaranteed participation in the grass roots representative institutions. It was a step towards empowerment of women. However, this should not lead us to believe that social attitudes towards women have changed. The extent of resistance to the Bill proposing reservation of seats for women in the legislatures witnessed. The 80th Constitutional Amendment Bill shows that even fifty years after independence, the attitudes of the male members of the legislatures have not changed. They still continue to consider women as agents of household work.

Law and Feminism in India

Women in India suffered from patriarchy which was supported by tradition, religion and culture. The law was the superstructure which reinforced the disabilities enjoined by the above. Woman subordination has the sanction of religion, tradition and culture. A "good" woman is one who accepts such subordination and internalises it. Every woman's function is to bear children and to serve the husband. A woman who dies while her husband is alive is the most fortunate woman. If her husband dies earlier, she should burn herself on the pyre of her husband. This practice known as *sati* was abolished during the early years of colonial rule. However, India witnessed the resurgence of sati in Deorala, Rajasthan ten years ago. The Child Marriage Restraint Act, 1929 punished child marriage and prescribed minimum age for marriage as 18 for female and 21 for male. This law is also breached with impunity. A woman having a male child, is considered to be more auspicious than a woman having a female child. This is the stereotype of a good woman and it is shared among all religious communities. A Hindu woman is not different from a Muslim woman so far as the idealisation of subordination is concerned. On the one hand, woman is glorified as goddess, mother or sister and on the other hand she is subjected to inhuman torture physically as well as mentally. The son preference creates a feeling of inferiority among girl children. A female foetus is dispensed with where possible if the sex of the foetus is known through pre-natal diagnostic tests. If she is born, she may be killed immediately. In Rajasthan, there are villages in which no girl child is reported to have been born for years. (Baxi, 1986) As many as 10,000 baby girls are murdered every year. If she survives, she is denied proper nutrition and health care. In spite of this if she grows, she may suffer from torture after marriage and may have to commit suicide or may be killed. In 1995, seven thousand dowry deaths took place, one thousand and six

hundred more than the number in 1993. One dowry death takes place every 102 minutes. A woman did not have opportunities of employment and she rarely inherited any property. She was dependent on the husband and had to suffer whatever treatment he gave. Tradition made virtue out of such suffering. A woman might be revered after her death. She rarely had any choice as to whether and whom to marry. She is a commodity to be donated by the father to the would be son-in-law. This is known as *Kanyadana*.

During colonial rule, few changes were made in the status of woman. Colonial policy was to least interfere with indigenous customs and tradition. Even rarely when the law intervened, it evoked a strong resistance. The controversy on the Consent Bill is well known. In that bill, what was done was to raise the age from 10 to 12 below which sexual intercourse would amount to rape irrespective of the consent of the girl. Although the definition of rape in the Indian Penal Code excluded marital sex, that exclusion did not apply where a girl was below the age of 10 years. If the age of consent was raised to 12, sex with a girl below 12 would amount to rape and since child marriage was prevalent, this law would convert many husbands into rapists. The proposal was resisted vehemently by the traditionalists and was supported by the pro reform activists. The traditionalists raised the bogey of colonial interference with the indigenous customs and way of life of the Hindus. This protest in the last decade of the Nineteenth century was similar to the protest made by Muslim no-changers against the Shah Bano decision in 1985. Both considered legal intervention as unjustified interference in the religion and tradition of a society.

The national movement attracted women on a large scale, particularly after the arrival of Gandhi. During the Second World War, as prices went up, the middle class women had to add to the income of the menfolk and therefore joined the ranks of clerks, secretaries, in addition to the careers of teaching and

nursing which they were already engaged in. Girls education therefore, at least in the middle classes became a necessity. An earning girl was considered an asset in the marriage market. This went on increasing and their numbers in education also increased. However, this remained restricted to the middle class and the higher classes. Among the rural poor and the urban poor, girls education continued to be a low priority. In the absence of universal education, even boys did not take education and therefore girls education was bound to be a low priority.

Although women's number went up in relative terms in the services and education, there was no change in the social outlook either of men or women Both shared the family ideology which eulogised an obedient and subordination accepting woman. In spite of her education, she continued to be guided (dictated) by her parents and after marriage by the husband in various aspects of life. A working woman was accepted grudgingly by men as well as women. Women had to strain themselves to show that their working outside the house did not come in the way of their compliance with the role model of a dutiful wife, daughter-in-law and mother eulogised by tradition. Her first priority had to be her house and her duties towards her husband, his parents and relations and her children. An ideal woman is one who gives attention to her house duties and pursues her career only to the extent it can be done without compromising with her duty to the house. Her esteem increases in proportion as she refuses to do anything to which her husband does not consent. I have heard earning women say that they do not spend money without the permission of their husband. I would welcome this if husbands also reciprocate by similarly acting only on the consent of their wife. But consensus and equality are not the traditional values, subordination is. Woman subordination is legitimated by the family ideology. A career for a woman is secondary and only when the man's income is not sufficient to make the two ends meet. "Why do you have

to work?" is a question which until recently was often asked to a working woman. Until recently, no attempt was ever made to challenge woman subordination. Attempts to ameliorate the conditions of women were made within the framework of patriarchy. Any attempt to challenge patriarchy was considered to be West sponsored and un-Indian. Therefore, even now we find many women denying that they are feminists. Feminism was considered unnatural, un-Indian and quarrelsome.

Although legally women are entitled to equal opportunities of work and equal remuneration, in practice there are several unseen factors which do not make this a reality. Jobs are typed gender-wise and usually male jobs are not given to women. All jobs involving sophisticated technology are prototyped as male jobs and manual, unskilled jobs are considered to be feminine jobs. Remuneration for the so called female jobs are less. Gender prejudice among employers is severe and they are less inclined to employ women. If they do, they would prefer unmarried women. Women cannot go in for the so called hazardous jobs. Further, there are sex hazards which also limit the options of a woman. She cannot accept a job which require a lot of touring or a night duty. Even among jobs which are available to them and in which they can perform as efficiently as men do, their choice is restricted by the factor of safety. Women employees are often under a fear of sexual harassment and therefore prefer to stay in jobs which even though less rewarding are safer.

In 1971, the Government of India appointed a committee to make a study of the Status of Woman and the report of that committee [1974] triggered a nation-wide debate on women's issues. This was followed by a national perspective Plan for Women in 1988 and the Shramshakti Report on self employed women in the informal sector in the same year. The Mathura case. (Tukaram v. Maharashtra) which dealt with the rape of a tribal girl by two police constables added a further dimension

to that debate. In the judgements of that case by the Supreme Court, while acquitting the accused, the judges laid bare their patriarchal bias. Women's movement in India got a severe jolt by the revelation of such a bias in persons who were judges of the Supreme Court. The crusaders for women's rights got an opportunity to critique the law of rape and the judicial process from the feminist point of view. Certain assumptions about the rule of law, the neutrality of the judges and the prosecutors were for the first time questioned. The Liberal Legal theory which protected the poor accused against the mighty State could not explain why it could not protect a poor rape victim from the comparatively mighty rape accused. Why should a rape victim be further raped in a court of law through character assassination by the defence counsel? Why should she suffer from a social stigma? The social stigmatisation negated the basic assumption of the rule of law that the parties to a litigation were equal. The Indian Penal Code was subsequently amended to provide for a statutory minimum punishment for rape and presumption of lack of consent in the case of custodial rape and gang rape. Several sections (376A to 376D) which make sexual intercourse with a woman punishable were added. These sections do not use the word "rape" and therefore an offence is committed even where such sexual intercourse is committed with or without force with a woman who is in police custody or in a hospital or a jail. These amendments hardly satisfied the women's organisations twhich demanded that questions regarding the woman's character pertaining to the event of the rape be made inadmissible and once a woman complained that she had been raped, her lack of consent must be presumed and the accused be made liable to prove that she consented. Even the changes which the amendments brought about were not very useful. Where a minimum punishment is prescribed, there is a tendency on the part of the judges to acquit the accused. Where a court is given the liberty to give a sentence shorter than that prescribed by the statute, the reasons reflect the

patriarchal bias. In one case, the judges insinuated that the woman was known to have been of easy virtue and therefore lesser punishment was justified. (Suman Rani's case). Some studies of the post amendment judicial decisions have been made which show that the judicial decisions continue to be haunted by anti woman prejudices. (Flavia Agnes). In India 10,000 cases of rape are reported every year. Out of these 25% cases involve girls below the age of 16. Recent investigations have revealed that many rapes are domestic rapes committed by near relations including the father. One rape takes place every 54 minuets. One kidnapping takes place every 43 minutes. Marital rape is still not an offence. It has been made an offence in Sweden (1965), Canada (1982), Israel (1988) and France (1990). In the United States, Oregon is the first state to make it a crime in 1996.

Religion and Woman

All religions accord a place of subordination to women. Therefore women's movement has to take on the established religions some time or the other. In Afganistan Talibans have imposed severe curbs on women in the name of religion. In Pakistan, because of the Islamic law, a woman guilty of adultery is punished with death by stoning. Therefore women seldom report rape because it could easily be converted into a case for adultery against her. In India, resurgence of Rajput fundamentalism was visible in the defence of sati. Another exploitation of women in the name of religion is the practice of devdasi. A girl is dedicated to God and she has to be a prostitute. Muslims in India oppose any reform of their law which is likely to eliminate gender inequality. Polygamy, unilateral oral divorce still are permitted by the Islamic law as practised in India. A demand for a uniform civil code by the aggressive Hindutwa forces help Muslim fundamentalists to exploit the insecurity in the minds of the Muslims to tighten up their grip over the minds

of the ignorant people and mobilise them against reform. Women are not allowed to enter into some Hindu temples on the ground of menstruation. The Kerala High Court held that such exclusion of women from a temple was included within the fundamental right of a religious denomination to manage its own affairs in matters of religion. (Mahendran v. Kerala) Fundamentalism and communalism tend to oppose social change towards a gender just social order. The courts as well as legislatures must try to resolve the conflict between the rights recognised by the old paradigm and those recognised by the new paradigm. The freedom of religion and the freedom of religious establishments were part of the old paradigm which was male centric. The scope of these freedoms have to be predetermined in the light of the new rights such as women's rights to equality, dignity and liberty. Menstruation might have been considered unclean in old days but with the development of the new technologies and greater information on biological phenomenon, there is no reason to exclude women on that ground. Similarly, woman's right to a monogamous marriage must have precedence over freedom of a man to marry as many wives as he likes. If he invokes freedom of religion in support of his right to polygamy, he must be told that religion could not govern the secular affairs of the State. Freedom of religion therefore will have to be reconstrued in the light of women's rights to liberty, dignity and equality. This will be necessary in respect of several other rights. For example, woman's right to reproductive freedom must prevail over any religious dogma which proscribes abortion. Fortunately, in India, abortion did not become as contentious an issue as it became in some Western countries including the United States. Under the Medical Termination of Pregnancy Act, a woman has been given freedom to abort the foetus. This did not meet with much of resistance in India not because there was greater acceptance of woman's reproductive freedom but because such a measure was thought to be aimed at arresting the population growth.

Legal Reform in India

Since the release of the report of the committee on the Status of Women in 1974, (Towards Equalitv) women's issues came on the agenda of legal reform. However, not much of legislation has been enacted. In the Indian Penal Code, provisions were made against domestic violence (S. 498-A) and dowry death (S. 304-B). Through these provisions, for the first time the law intervened in the precincts of the male preserve. Home was supposed to be immune from legal intervention. Since a home was often a citadel of patriarchy, the law indirectly supported it by its abstinence. The division between public and private law was based on the different roles the law played. The private law presupposed that the unity it umpired were based on equality and consent. Very often this was not so. Long ago, the myth of equality between the parties was exploded and the law had to intervene to regulate industrial relations and protect the less powerful party, i.e. the workers. The intervention of the law in the domestic sphere meant legal recognition of the inequality between man and woman in the house and the need for the law to intervene on behalf of the less powerful element. Although the above mentioned legal provisions against domestic violence have not been very successful, considering the few convictions that are secured, they have doubtless put the perpetrators of domestic violence on the defensive. These provisions perform the role of setting norms for social behaviour. There are complaints of abuse of these provisions. Both Section 498-A of the IPC and the provisions of the Prevention of Atrocities against SC/ST Act are alleged to be abused. While abuse of these provisions cannot be ruled out, they would become less when men and women change their attitudes. Penal law has its own limitations. While it may deter people from acting badly, it alone does not inspire people to act nobly.

Legal reforms have come through judicial process as well as legislative process. Laws have been enacted by some states

to abolish coparcenery or to include women in coparcenery so as to confer more equal inheritance rights on women. (The Hindu Succession Amendment Act in Karnataka (1987), A.P. (1986) and Maharashtra (1994) and the Kerala Joint Family System (Abolition) Act, 1995). Coparcenery was a Hindu concept of ownership of property by male members of the family. This exclusive male preserve has now been intruded upon by the recent legislation. The legislative process has relatively been inactive so far as the Muslim Personal Law is concerned. The only intervention that took place in recent years was of the Muslim Woman's Protection of Rights on Divorce Act, 1986, which instead of empowering the woman, robbed her of a right given to her through liberal interpretation of the law by the Supreme Court in Shah Bano case. The Supreme Court had held in Shah Bano case that a Muslim divorcee was entitled to maintenance even after the period of iddat if the amount given to her under the personal law on dissolution of marriage (which is known a Meher) was not adequate for her sustenance. The law enacted by Parliament referred above reversed that decision and made some cosmetic provisions. The Courts have tried to rescue the interest of a Muslim divorcee through liberal interpretation of that law. (Sagade, 1996) There have been other changes in the family laws which have benefited women. The Courts have held that a woman staying away from her husband because of her job could not be said to have withdrawn herself from the company of the husband and therefore was not liable to a decree of restitution of conjugal rights' - (Swaraj Garg v. K.M. Garg). The Hindu law permits dissolution of marriage by mutual consent but the courts are bringing in the doctrine of breakdown of marriage also to terminate unpalatable marriages. (Ashok Hurra v. Rupa Zaveri)

The most important reform that came through legislative process were the two constitutional amendments which gave guaranteed number of seats to women in the panchayats and

municipalities, which are grass roots level representative institutions. The 73rd and 74th amendments provided that one third of the total number of seats shall be reserved for women in these bodies. The amendments also provide that women of the Scheduled Castes and the Scheduled Tribes shall also share one third of the seats reserved for the SC and ST respectively. The seats reserved for women of SC and ST shall be included within the aggregate of the one third of the seats reserved for women These amendments also reserve offices of the chairpersons for women in panchayats and municipalities. A similar constitutional amendment seeking to provide reserved seats for women in the lower Houses of Parliament and the state legislatures was introduced in the 11th Lok Sabba in 1996. That bill could not be passed because of various objections raised by members and has now lapsed because of the dissolution of the House. Affirmative actions in favour of women, short of reservation, are seen in other statutes also. For example, every dispute forum under the Consumer Protection Act has to have a woman member. (Consumer Protection Act, S. 10(1)(b), 16(1)(b) and 20(1)(b). See Sathe, 1993)

Most significant changes in the empowerment of women have come through judicial process. Article 21 of the Constitution has been construed very liberally by the Supreme Court and one of the important consequences of such liberal interpretation has been the development of gender jurisprudence. Under article 21, the Court has included the right to privacy (Neera Mathur v. LIC), the right to presumption of chastity (Goutam Kunda), the right to the sanctity of her body (Bodhisattwa) and the right not to be sexually harrassed (Vishaka v. Rajasthan). It was found that whenever gender inequality was sought to be combated through the use of the equal protection clause, such challenges could often be frustrated because of the formal approach to equality. (Air India case, Sowmitri Vishnu's case). The Indian Supreme Court

has therefore liberally interpreted article 21 of the Constitution to include various women's rights within the scope of that article. The Indian Supreme court has instead of going from equality towards liberty has come to equality through liberty. It has thought it proper to secure life with dignity and liberty of a woman and thereby mainstreamed the women's rights. (See Sathe, 1997).

The Court has thus mainstreamed gender in the paradigm of human rights. Unlike the past when the Court extended the rights of men to women who fulfilled the test of being similar to men, the Court has now identified the rights of women, which are peculiar to women, and recognised them as being integral part of the fundamental rights guaranteed to all. Women do not have to be like men in order to be entitled to those rights.

Indian democracy is at the crossroads. India will have to actively contribute towards the establishment of a world order based on justice. Its efforts towards disarmament, democratisation of the Security Council of the United Nations and equitable distribution of the burden of preventing climatic changes must continue. The world has become small and development has to be without prejudice to any of the peoples. In this new developmental effort, women's power cannot be underestimated. Feminism can doubtless bring in greater humanism and help strive for justice. The feminist legal thought must provide leadership in reconceptualisation and reconstitution of various concepts of development and the law.

References

1. *Baxi Upendra, Towards A Sociology oflndian Law (Satwahan, 1986)*

2. *Naomi Neft and Ann Levine, "Where Women Stand: An International Report On The Status of Women In 140 Countries, 1997-98 (Random House)*

3. *Sagade Jaya, Law of Maintenance : An Empirical Study (Indian Law Society 1996) Universal Book House, Delhi*

4. *Sathe S.P., Towards Gender Justice, (RCWS Gender Series, Book 1, RCWS, SNDT Women's University, 1993)*

5. *Shramashakti: Report of the National Commission on Self-Employed Women and Women in the Informal Sector (1 988)*

6. *Steiner H.J., International Human Rights in Context (Clarendon Press, Oxford, 1996)*

7. *Towards Equality : Report of the Committee on the Status of Women in India (Ministry of Education and Social Welfare, Govt. of India, 1974)*

Cases

1) Air India v. Nargesh Meerza, AIR 1981 SC 1829

2) Ashok Hurra v. Rupa Bipin Zaveri, AIR 1997 SC 1266

3) Bodhisatwa Goutam v. Subhra Chakraborty (1 996) 1 SCC 490

4) Francis Coralie Mullin v. Administrator. U. T of Delhi, AIR 1981 SC 746

5) Gautam Kunda v. West Bengal, (1 993) 3 SCC 418

6) Mahendra v. The Secretary, Travancore Devasthan Board, AIR 1993 Ker. 42

7) Mohd. Ahmed Khan v. Shah Bano, AIR 1 985 SC 945

8) Neera Mathur v. LIC (1 992) 1 SCC 286: AIR 1992 SC 392

9) Premchand v. Haryana (Suman Rani's Case), AIR 1989 SC 937

10) Sawmitri Vishnu v. India, AIR 1985 SC 1618

11) Swaraj Garg v. K.M. Garg, AIR 1978 Delhi 296

12) Tukaram v. Maharashira, AIR 1979 SC 185

13) Vishaka v. Rajasthan (1997) 6 SCC 241

PART IV

Human Rights Education and The Media

22

Role of the Media in Safeguarding Human Rights

K. Srinath Reddy

"All human beings are born free and equal in dignity and rights"

With these eloquent words, contributed by the French jurist Rene Cassin, begins the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on December 10, 1948. Embodied in the preamble and the thirty articles of the Declaration are values espousing the immemorial yearning for freedom from fear and want that has characterised the human spirit. Hopes that rose and ebbed over millenia of human history, echoed through the ideals of the French Revolution and were passionately proclaimed by the American revolutionary Thomas Paine in The Rights of Man came to be enshrined in the Declaration, as the end of the Second World War provided a catharsis to the brutalised human family.

Since then, this splendid celebration of human freedom has proved to be an undeniable moral force even without binding legal effect. As the 50th anniversary of its proclamation is observed in a world which still experiences frequent assaults on human freedom and dignity, the role of the media in sustaining this moral force and safeguarding human rights is cardinal. An appraisal of its global and national role is, therefore, appropriate.

Even as the rights envisaged in the Declaration cover a wide range of human aspirations, the media too must address a broad mandate in safeguarding human rights. It must help protect them, with courage, when they come under brutal assault. It must help preserve them, with conviction, when they are being gradually but mercilessly eroded by sustained political, social, economic, racial or gender inequity. It must help promote them, with commitment, as positive values that must progressively permeate all human conduct rather than invoke them as a sporadic distress signal in a perpetually stormy sea of human relations.

The role that media perceives and currently performs is that of bringing to public attention, gross violations of human rights that acutely erupt as 'incidents' or are uncovered by investigative journalism. This serves a salutary purpose by raising public consciousness and rousing the civil society to defend the victims, demand state intervention or seek judicial redressal. For the vulnerable victims of human rights abuse who are often defenceless under the onslaught of organised oppression by powerful persecutors or even crushed by repressive state machinery, only the media may be able to open the channels of release and relief.

As the outreach resources of the media have grown to range from print to internet and from remote radio reporting to ringside live telecasting, so has its collective power to bestir humanity into action against unrelenting terror and tyranny. The searing images sent from the amphitheatres of atrocity like Bosnia and Rwanda moved the world to intervene or intercede to resolve conflict or render justice. The covenant against landmines and the pursuit of Pinochet across the international borders aided by public pressure illustrate the manner in which media has ushered and empowered a global coalition of human rights activists through information and advocacy.

Media exposure of human rights abuse may, through public

awareness and anger, compel the perpetrators to halt, at least temporarily. It may force even an insensitive state to pay heed and respond with redressal, albeit belatedly. It may awaken a sincere but inattentive state to violations it was unaware of but is anxious to avert. It may alert an activist judiciary or a determined Human Rights Commission to take *suo moto* cognizance and extend the umbrella of judicial protection to the victims, by promptly issuing notices to the violators or to the state. It may provide the basis for public interest litigation by protagonists of civil liberties. It may energize non-governmental organizations to offer resistance or provide relief.

There have been several such instances, in India, of the media ably piloting the process of protecting human rights by tenaciously uncovering abuses. These have ranged from state violence, in the form of custodial deaths or fake 'encounters', to the inhuman exploitation of bonded labour by private contractors. From the degrading conditions in mental hospitals to the infernal life in orphanages, from the satyriasis like sexual molestation of women to the satanical sale of children and from the diabolical theft of human organs to the death dance of casteist carnage, the media provided publicity which led to successful public interest litigation, state intervention or community action.

Media must, however, recognize that sporadic outbursts of outrage and occasional opposition to atrocities will not suffice to safeguard human rights. It is essential to maintain eternal vigil against growth in intolerance, be it political, social, ethnic, religious or cultural. If unchecked early, such intolerance will lead to the inexorable rise of fascist forces and the inevitable fall of freedoms. The state may not intervene, either because it is an accessory and beneficiary or because it is too weak to exert effective control. The media, therefore, has a special responsibility to sound early warnings. Like a good soccer referee, it must ensure fair play throughout the game and not

merely pull out the red cards for blatant fouls. In its defence of the freedom of expression and the right of democratic dissent, media must be inspired by Voltaire's immortal words "I may differ till I die with what you say, but I shall defend with my life your right to say it".

The attainment of human rights does not cease with the acquisition of basic political and civic freedoms. To preserve these freedoms and to prosper from the opportunities offered by them, other basic rights to nutrition, health, education and job access are also needed. As Amartya Sen observes in his essay Rights and Capabilities (1985), poor people are unlikely to achieve durable progress in capabilities and functionings, as several of these joint requirements are not met. Poverty and inequity become threats to human rights by restricting human development. As Mary Robinson, the UN Commissioner for Human Rights, reminds us, we must remember "how essential to human dignity, and often to life itself, are clear water, food and basic health care". Media's mission must extend to the defence of these rights as well.

The Declaration spells out such rights in several of its provisions. Article 25, for example, avers that 'everyone has the right to a standard of living adequate for the health and well-being of himself and of his family' and goes on to amplify the multiple requirements of health and social security. Article 26 affirms that 'everyone has a right to education' and that 'education shall be free, at least in the elementary and fundamental stages'. While the pace of progressive implementation of such guarantees is subject to the political and economic realities of individual countries, the assurance of equity in promoting health and providing education must be acknowledged as the guiding principle of civil society and the undeniable duty of government. Media has to play the role of a conscience-keeper by resolutely raising issues related to human development and ensure that the ability to perform to full potential is not only the preserve of the elites.

Even a well intentioned political leadership in a democratic polity may remain oblivious to the plight of the disadvantaged sections as it drives forth on the road of economic restructuring, propelled by unregulated market forces and the gaze fixed on the goals ahead. Media, in this case, must provide a rear-view mirror that calls attention to the innocents knocked aside in the ruse to progress.

The media must also promote popular recognition of all the rights enunicated by the Declaration, through regular discussion and debate. Mass awareness and affirmation will provide the best safeguards for human rights. Universal respect for human rights must become the natural order of society, as the human family matures, and not remain an utopian ideal. Media's educational role must, therefore, complement its agitational role. Media must not only act as a sweeping searchlight to sporadically spot a hidden offender but should also constantly illuminate the path of freedom on which the vast concourse of humanity will fearlessly surge towards a higher social order.

Finally, the media's own conduct must reflect respect for human rights. Even as it plays a multifaceted role to free people from tyranny and terror and liberate them from inequity and intolerance, it too must learn to respect human rights in its reporting. Commitment to veracity must never fall prey to the lure of sensationalism and prejudice must not be permitted to overpower perspective. Even as the media seeks to protect the right to 'freedom of opinion and expression' (Article 19), it must observe the caveat that 'no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks on his honour and reputation" (Article 12). Resolve must be tempered by restraint as the media seeks to unravel the truth. It would be best to adopt Louis Pasteur's advice to his research trainees "keep your enthusiasm but let strict verification be its constant companion"!

23

Getting results and gaining a new audience: the proactive and creative use of media in human rights education and promotion

Margie Cook and Mervyn Smythe

A couple of years ago Alvin Toffler, author of international best-seller Future Shock, the Third Wave and Power Shift was reported in the Business Journal as saying the following:

"What we have now is the media setting not only the agenda for politics but it is also setting the pace with which decisions are demanded. So, for instance, one day you see starving children in Somalia, and American troops go in, and the next day you see another image of an American soldier being dragged through the dirt and Congress says 'well out they come'."

(In the field of international aid and development this is called 'television driven foreign policy'.)

Toffler went on to say

It's a pressure that forces the outmoded political system to make decisions on things it really doesn't know a hell of a lot about. They are information-overloaded and decision-overloaded. No matter how intelligent the members may be, they are incapable of making intelligent decisions.

These are strong words. But one does not necessarily have to accept Toffler's arguments completely to agree that

media does have a prime role in setting the political agenda.

When it comes to human rights, the media plays a number of quite different roles. On one hand, it can be a crucially important ally in exposing abuses and applying for remedial action to be taken. On the other hand it can be the very vehicle through which exploitation and abuses are carried out in areas such as invasion of privacy, the clichetic portrayal of minorities and characterisation of groups and so on.

At the bottom line, media has a huge impact in society in shaping, influencing and changing public opinion - and in setting acceptable standards of human rights within which a society operates. It is the primary source of information for many, and opinions expressed within its pages or over the airwaves are the basis of discourse from neighbourhood conversations to important political discussion. Most people in most communities have access to one or more media forms.

This accessibility by the community to media is an important consideration in deciding to go down the media path as one of the tools to be used in human rights education and promotion. Clearly, different media forms and outlets have specific appeal to particular audiences - the broad-sheet as opposed to tabloid press; commercial as opposed to public broadcasting; specialist media of infinite formats. But because the media industry is a commercial entity it is dependent on an audience to read, buy and watch. Without purchasers, it dies. It therefore needs a large, a growing audience, and will be at pains not to offend or discriminate against its market.

The downside is lowest-common denominator press, for instance. But that is what people read and watch in their millions. And these millions are also our audience.

Our audience is also our constituent groups: those minority groups or identifiable groups within the community who for reasons of history, difference, vulnerability, colour or a host of

other reasons, need the special support a human rights institution can offer.

Australia in recent times has seen these groups identified by some as 'loud-mouth whingers', 'politically correct vocal minorities', 'chardonnay-drinking, big-city elite' and other such attractive epithets. In fact the last three years of politics have been dominated by the rise of this level of opinion and the coming to terms with the outspokenness of these views.

The epithets resonate with an extraordinarily large audience - people in the suburbs and in rural Australia who feel ignored by government, people either injured or by-passed by economic change are the people who feel equality and fairness is for others, not for them.

This paper does not suggest abandoning the portfolio-based special-needs sectors of the community in favour of mass education. In fact, specific human rights education for vulnerable groups continues to be a very high priority as the conference agenda highlights.

Yet, the mass audience is ignored at our peril.

In the words of Dominique Walton, media can also be a "school for tolerance", providing for most of the population a "window on the world". He went on to say "general interest television is for culture what universal suffrage is for politics - the democratising factor."(Television and the Public Interest, Sage Publications, 1992)

I am going to make a few assumptions at this point:

- Ø making greater use of the media is an important element of strengthening human rights institutions
- Ø few human rights institutions have the advantage of generous media or campaign budgets. (When one does not have the advantage of generous media budgets for advertising then mainstream media becomes *de facto*

one's chief channel of communication. But there are advantages to this - academic studies showing that news has a much higher credibility level than advertising anyway.)

- Ø most of us recognise the powerful role media plays in society, and
- Ø many of us feel dis-empowered when it comes to controlling the media agenda in our own areas – i.e. that we are at the mercy of media, rather than in partnership with it.

On the strength of these assumptions this paper:

1) looks at the way in which media operates.,
2) provides a few examples of media usage from the Australian context, and
3) .examines some ways in which human rights institutions can enhance their usage of media and their confidence in participating in this process.

Media is many things: it is print, radio, television, the internet, film, drama, magazines, letters to the editor, public information campaigns, specialist programs and publications, books, brochures, advertising, events, conferences, features, international wire services.. the list goes on.

In examining the importance of the use of media in education and promotion, it must be recognised at the outset that a healthy media is also crucial to the protection of human rights. Institution strengthening of the fourth estate is as crucial in the development sense, as strengthening those institutions that need to understand and use the media in their communications programs.

South African writer and prominent journalist Allister Sparks said in 1993, that a healthy democratic media in which

human rights, political, social and economic issues can be debated is a crucial element of a civil society. He quoted Justice Richard Goldstone's comment: "Show me a country without a free press, and I'll show you a country where human rights are trampled upon."

So there is a symbiotic relationship between media as a democratic institution in itself, and the ability of human rights institutions to use media to further the public good. In the development sense, we have to work with both structures to achieve balance. But for the purposes of this discussion, we will concern ourselves only with the use of media by institutions like our own.

The Media as Crusader and Ally

The example that Toffler gave was from the United States. However, there is no doubt that the media exerts considerable influence over the political agenda in very many countries. It is achieved not only through the impact of its revelations, analysis and opinion, but also through its role of conveying information to the opinion leaders in the community, who in turn can mobilise and apply their own pressure to the political decision-making process.

As a result, organisations and individuals wanting to influence the political and social agenda greatly enhance their chances of doing so if they can use the media effectively.

That is not as easy as it sounds.

A few years ago one of Australia's most prominent Aboriginal leaders retired from public life. In explaining his decision to remove himself from this highly sensitive and demanding arena of political debate this person made some very illuminating remarks about the cost of taking issues of principle and national concern to the community through the media as the main channel of communication.

He was, he said, bone tired from having to always press the positive buttons. Tired out from urging people to be better than they really are. "This is hard business," he said. "Negativity is easy. Getting prejudice to raise its ugly head is easy. In our country in recent months we have seen attitudinal changes wound back in an instant. But being positive, that is hard business."

This man was young - only in his early thirties.

As Australian Federal Human Rights Commissioner, Brian Burdekin had a massive media profile and was recognised throughout the country as a strong advocate for human rights, engaging with government and the community through media, a high personal price was none-the-less sometimes paid and it was always incumbent upon me as his media adviser to be as vigilant in protecting Brian from unwanted intrusions as it was to ensure that the human rights message was covered effectively.

Now the word using the media is important. Because in my view it is more a question of using rather than working at or to media that is the key. In many cases it might even be more important than working with media. The reason I say that is rooted in the principle of editorial independence. Journalists are colleagues. Many are friends. But their agenda, professional responsibilities and pressures are not my agenda and professional responsibilities.

These lines of independence are becoming blurry these days, however. In Australia many journalists moonlight as 'media trainers'. That is, they teach people, many of them potential interviewees, their tricks of the trade and how not to fall into their traps. Media training has become a fundamental part of management. We do it in the Australian Commission and I consider it to be a crucial part of our internal training program.

But at our 50th Anniversary Conference in December, in a session on "Media Values and Social Progress' the ABC's Bureau Chief in the Federal Parliamentary Press Gallery voiced the opinion that this practice had reduced interviews to bland game-playing.

More than anything, a good journalist wants a terrific story. A good journalist will also check facts and perspectives, often seeking out alternative points of view or editorialising themselves to provide balance and commentary. It is my job to present issues as comprehensively and effectively as possible so that they are taken up in the media in a way that will benefit my cause and influence the outcome. But I cannot tell a journalist how to interpret my issue; or what editorial balance they ought to bring. That is not my job. If at the end of the day a journalist in his or her personal view also comes to agree with or support the issues I am identified with, that is an added bonus.

Using the media involves taking a public position and engaging in the processes that make media tick. It is not easy but as people involved in human rights institutions I thought it might be useful to provide some reflections on how to be an effective participant in making an impact through media on these issues of great concern.

There are two basic truths.

Essentially, the media is rooted in conflict (that conflict can be creative, is not always a bad thing and does not always relate to adversarial issues)

and

Having a good story to tell - being positive - is much harder and more exhausting work than criticising and engaging in conflict.

Our stories - principles and issues - are our product and we must sell that as effectively to the media as any public relations person might sell their event or product. We are

competing for the same space and time, and attention of the reader, listener and viewer, after all.

The process of social change through the media is what has come to be known as media advocacy. Examples from the United States and Australia include public health campaigns such as seat belt use and the anti-smoking campaigns. And media advocacy is what it is what we in the human rights area need to be on about as well.

(This is different from issues-based journalism designed to change public policy - a field now known as 'public journalism').

It is virtually a truism to say that the probability of achieving the objective of educating the public and creating a higher level of sympathetic awareness to a problem within a community will be greatly enhanced if the media outlets themselves are sympathetic to the subject and place a high level of credibility on the information being conveyed, and on the organisations and persons conveying that information.

The attitudes displayed to a subject by the media in the course of their coverage of a subject can be, therefore, an important aspect of that coverage.

The Media Agenda

In working effectively with media one must recognise and work with the media's own priorities.

In communicating through the media there is a scale of needs (similar to Maslow's hierarchy of needs) to which one can attribute the level of media and community interest in stories.

First in importance are stories about life, death and health. Issues of immediacy - bombings, murders, stories about the abuse of children .... all these kinds of issues affect people

very personally and are prominently reported. Natural disasters and calamities are also prominent because they impact on life and death so immediately. Many aid organisations have developed sophisticated ways of reporting on human tragedy in a way that influences at this peak level of interest by using television personalities to tell the story and by reducing disaster down to the face of a single child.

At the second level - very close to the first in many cases - comes economics, taxes, wages, money and jobs etc.

Once we have taken care of the basic life, death and health and money issues we can proceed to the next level: lifestyle, entertainment, food, holidays and leisure. And once we're all relaxed and well-fed with a few dollars in our pocket, we can afford to worry about the moral issues of life.

The Human Rights Agenda

Our issues - human rights issues - are sometimes rooted in the interpretation of legislation, the analysis of new law, the conduct of inquiries and making recommendations about issues. They are also constrained by the legalities of language and acronyms that render the subject exclusive to a select few. The media task for us is to identify these stories in ways that take them out of the high moral ground luxury end of the interest market and place them squarely in an area of general interest.

Our agendas are often very worthy, legalistic, issues-based and serious. We can get so caught up in international obligations, the jargon and acronyms of treaties, domestic implementing legislation - by the diplomatic language of human rights - that we lose touch with the real issues and the words to communicate these issues to the community.

A media agenda, by contrast, is more competitive, adversarial, conflict-based and often interested in the bad, not good news.

There is a link, however, between the media and human rights agendas.

Both are people-centred.

And journalists are trained to recognise stories for their news value, one criteria of which is whether a story has 'human interest'.

Let me give you an example of how these elements came together recently in the Australian context.

The Stolen Children

Australia's history includes a long and sad chapter about the separation of thousands of Indigenous children from their families over a period of one hundred years.

These children were removed in what is now seen as an appallingly misconceived and misguided policy of assimilation and which the Inquiry recognised in its findings as genocide. The practice ended only in the 1970s and today many Indigenous men and women of my own age, taken from their mothers as children and now with children of their own are searching for their families and longing for the assurance that such policies will never be re-instituted.

The practice was examined in the Human Rights Commission's National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children From Their Families. The Inquiry was established under the previous Labour government and was carried over following the election of the Liberal/ National Coalition government in March 1996. The Inquiry heard evidence from all over the country over a one-year period and the final report was tabled in Federal Parliament in May 1997, in very stressful circumstances that included an attempt to undermine the impact of the Report by attacking the credibility of the authors. This tactic failed miserably.

In Australia, there is a saying in politics that "there are no votes in Aborigines' (or in mental health or prisons, for that matter). Until this report came along, most of the broader Australian community had never known anything of this history, let alone started to come to grips with the personal implications of it. The media brought it home - is still bringing it home - and the issue continues to be a feature of almost daily reporting.

The attention paid by media to this Report - careful, thorough, sensitive, intelligent, high level attention has guaranteed that the findings and recommendations will not lie forgotten in some dusty drawer. It is the media that will make the government accountable. It is the media that exposed attempts by government to discredit the report prior to its release by attacking its authors, calling these attempts "a new low in public discourse". It is the media that reported on its front pages each day for weeks the litanies of injustice suffered by Aboriginal children. It is the media that has set and continues to set the political agenda in response to the report.

As a consequence of the intense coverage of the issues, there has developed within many community sectors not only a perceptible heightened awareness of the issues but a tangible commitment to ensuring, for example, that the Report's recommendations are taken effectively up by the appropriate levels of government. Without the media focus, this expression of community based support would have taken a much longer road.

Media Analysis

Evaluation of media reporting is an important task. Professional assessment of an institution's principal media programs by qualified experts helps determine whether limited budgets are being spent effectively and whether media coverage is achieving the intended goals. As with other major issues, I commissioned an analysis of the quality and quantity

of the coverage of the reporting on the "Stolen Children" issue. The analysis demonstrated that not only was the editorial content extremely favourable, but the quantity of coverage far exceeded any amount of promotion we could have achieved through advertising or campaign work, and that a modest public affairs budget resulted in more than $18 million worth of coverage, before taking into account the added value of approach and content.

But this media coverage didn't just "happen".

Preparation for the release of the Report included briefings to media and community organisations in every capital city about what the process of the Inquiry meant to people involved in it personally. They also involved presentations by Indigenous people themselves about their own life experiences.

By making the content personal, core elements of the media agenda were adopted.

To assist the media's understanding of the issues, substantial media information kits were prepared that included basic facts about the Inquiry, personal stories from the report and a clear guide to some of the more complex issues including genocide and reparation.

With financial support from outside organisations a 45 page community guide and a 30 minutes video were also produced. Arrangements were made for the Report to be sold in government bookshops (best seller of the year). Education departments in each State are now providing copies or the Community Guide and video for schools, and the video is also being sold through the national broadcaster's retail outlets. A book, two feature films, a play and a television documentary on the report are also either underway or in development.

Of course not all projects can be quite so ambitious and it is not always the case that full-on media attention is

appropriate. It is also the case that training in media skills is an essential preparation for effective engagement with the media and community and to assist the institution develop the necessary standing of being a source of reliable, solid background information and public comment where appropriate.

Specialist media

The Stolen Children example is of a major media campaign that reached a vast proportion of the Australian community. Other less ambitious examples include the provision of editorial features and columns from our own Commissioners as "op ed" pieces - features that go in the leader page of the newspaper directed towards government and opinion leaders. We have written such features on drug use, detention of boat people, Aboriginal issues, Native Title to name a few. These are opportunities to put our own views, raise issues and set agendas for further discussion.

School students and young people are a key focus for human rights education. How do we reach them?

In 1998 we re-vamped our web-site, including a specially written sector called School Page. Here, students are taken through a history of human rights development, there are links to international and other domestic sites - including UN sites, there are questions and answers on discrimination ... it is a marvellous resource designed for a very specific audience.

As a complement to the web-site and as part of our human rights schools education program for the 50th Anniversary, we then published two significant features - each about 14 pages - in Studies Magazine - a curriculum-linked magazine that goes to every secondary school in Australia. This material was written by the Commission but adapted and presented in exciting learning formats by professional educationists who are also teachers.

The Commission had never done this before - until then we had been trapped in the web of providing face to face addresses to school groups - an impossible task.

The material in Studies Magazine included:

Ø Questions about what are human rights

Ø Scenarios to work on

Ø A history of human rights - from where did human rights evolve?

Ø Why is rights protection needed?

Ø The UN Declaration on Human Rights

The promotion of the web-site and a new publication now on it - Human Rights Explained - has been helped the mass distribution of postcards. The illustration is in fact the winning design from a poster competition we ran through schools to mark the 50th Anniversary.

Training

Human rights institutions should not presume that they can just walk into a favourable media environment. Training - both for principal personnel and public affairs personnel - is as crucial as recognising the need to bring in specialist consultants and staff for specific projects. Teachers and educators for schools programs, for instance or young people to comment on human rights education material targeted to youth.

In Australia, media training has been offered to all Commissioners in:

Ø controlling the media agenda

Ø how to conduct and control an interview (including what to wear, body language etc). how to avoid being trapped by questions

- Ø how to cope with television
- Ø off the record back-grounding
- Ø the importance of networks of non-government organisations and other support / constituent organisations
- Ø resonance measuring - is our message and the language we are using actually going to mean anything to the audience we are trying to reach?

Recognising that not everyone is a natural communicator, speech-writing courses for staff and Commissioners have been conducted, looking at issues ranging from "dead" language to presentation.

The rationale behind training programs in these areas is detailed in the handout - an extract from a regional training program for human rights institutions in the Asia Pacific region I conducted in Jakarta last February. This extract:

- Ø highlights the reasons why good communications are essential for effective human rights commissions;
- Ø outlines the reasons why access to media is so crucial,
- Ø identifies the objectives for training programs for commissioners and public affairs/media personnel within an institution, and
- Ø identifies areas for attention within a short course program.

(This is an example of a short term training program. The more extensive program includes individual mentoring of staff, practical assignments that link media issues with day to day office issues, visiting expert presentations and so on.)

A human rights institution must be seen to be a provider of solid, reliable information on issues to assist understanding. A human rights institution is not a provider of products, nor is it a commercial operator in the sense of being an advertiser or

producer looking for a market for a product. The values and principles embraced within a human rights institution are quite different. Therefore, the methodologies used to promote human rights issues and principles must be different from those approaches used in a more commercial sense.

Working with media in a private way to improve media standards is also beneficial. An example is a program in Australia whereby the human rights institution met with senior editors and producers in print and electronic media to inform them of their rights and responsibilities under new racial hatred legislation, and to examine ways in which media could approach these issues without resorting, consciously or unconsciously, into the traps of exploitation or cliche.

Effective media and public affairs management is a challenge and in conclusion, I want to highlight some of these challenges, particularly the way in which media views public affairs people - especially government ones.

Leading BBC producer Michael Buerk told development agencies once that "the first thing you have to realise is that the media don't feel they owe you anything."

It's a tough world out there and we need to be prepared.

A journalists' training manual produced for UNESCO instructed young journalists that:

"One of the main sources of news for journalists is the press release .... If these people are prepared to tell reporters what is going on in their organisations it helps the flow of information. Some journalists believe that press releases should take all the work away from them: they treat press releases as finished stories ..... they are very wrong to believe that ..... Do not imagine that a press release will contain the whole truth ... it will probably just show a careful selection of facts. ...just because a press officer has sent you a press release it does not mean there is a real news story there ..... it

went on.

Media is a double-edged sword. We need it and we need to use it. We need to use it to protect human rights and to promote proper public policy yet we also need to protect individuals and groups such as children from its more avaricious elements. We're doing OK on the first. Now is the time to get busy on the second.

Supplementary Comments on Exploitation of Children through the Media

Margie Cook and Mervyn Smythe

While media is an ally in human rights protection, abuse sometimes come through the media.

It is ironic to reflect that the Indigenous children who were taken were taken to a culture that in some ways respects children, and childhood, less than that from which they were "rescued".

The free-market economic system may have many benefits, but without regulation or great self-restraint, it can in its own ways allow exploitation of vulnerable groups. And one of the most vulnerable is that of children.

Too often children are seen as consumers - economic units - rather than as vulnerable young lives. Today, children have very large purchasing power, and a major way marketers target this purchasing power is through the media.

Children are significant consumers of goods and services. Markets in toys, fast food, entertainment and clothes are directed explicitly at children. In Australia a country with a population of less than 20 million people, 10-17 year olds represent a market of around four billion dollars.

In addition children have an indirect effect on the marketplace through the influence they have on the way their parents and other adults spend money.

Some young people are relatively sophisticated consumers. However, many children especially younger children, may be particularly susceptible to aggressive selling techniques.

Children area avid consumers of media and information services, including television, radio, magazines and the internet. In Australia, children aged between 5 and 12 years for example, watch an average of seventeen and a half hours of television each week. In the United States it is about 24 hours a week.

In the course of this viewing, young people may see programs and advertisements blended seamlessly together. A few years ago an Australian journalist wrote the following about the program Video Hits:

Video Hits has to be one of the most sophisticated and lengthy advertisements currently running on television, and it goes down as easily as a morning glass of lo-joule juice. For three hours on a Saturday morning, ads, videos, promos, and competitions move swiftly through and around each other to the point where you buy while you listen and dance when they sell.

The message is seamless, the images contiguous and the advertising utterly perfect.

Video Hits is not hosted by anyone - it is simply music/ ads/music and, as a result, it is one of the most cost-effective shows on television. There are virtually no overheads and the program employs only one person, a producer, who selects programs and organises promotional deals and arranges graphics.

Gee ! it's well done though. The more formal ads hit a perfect rhythm with the videos (two songs/two minutes of ads). and the subjects of each are absolutely parallel. The 'Bold Hold' hair gel girl could have stepped straight out of a Motley Crue song. the all-girl group Girlfriend. seem like one long shopping mall commercial and all the Pepsi ads look like Michael Jackson clips to me.

["Video Hits", a racy vehicle for teeny ads', Ad Break. the Age Green Guide. Virginia Trioli. 3 December 1992. p 16]

Now at least teenagers should be able to differentiate between the ads and the program content. We can't assume the same about children, especially young children.

Given the high levels of consumption by children an increasing proportion of advertising and marketing is targeted directly at them. Within Australia, and I am sure, in many other countries, there is widespread community concern about the effects of advertising on children.

Considerable research has been done in this area and it dates back to studies commissioned by the US Surgeon-General in the early 1970s.

Put briefly, this research has found that children below the age of five years are unable to discriminate consistently between programs and advertisements especially when they are similar in style. Further, children below seven or eight years have been found to possess little or no ability to recognise the persuasive intent of television advertising. In regard to persuasive intent, as Dr Dale Kunkel of the University of California at Santa Barbara puts it:

In layman's terms, this means that children must understand that a commercial simply wants you to buy - it must be understood that messages which want you to buy will exaggerate, manipulate, pontificate, and cajole in order to accomplish their goal.

Clearly until children have the ability to recognise the persuasive intent of commercials they are extremely vulnerable to exploitation by advertisers, and media pressures.

And we are not talking of the shyster fringe-dwellers of the commercial world.

Earlier this year a leaflet fell out of a leading Australian business journal onto our desk. It advertised a conference entitled 'KidPOWER 97: Marketing to Kids' which took place in August of this year. The leaflet announced:

The 1996 ABS figures have recorded 2,079,769 kids in Australia between the ages of 5 and 12 years. If money is power, then Australia's littlest consumers are a mighty force.

Today's kids and their consumption pattern are a result of increasing disposable incomes, financial independence and spending power. This result being a marketer's dream! Due to the lure of profit potential it is becoming increasingly difficult to cut through the clutter and make a powerful and effective impact on kids - your marketing must be SMART.

Your company's continued success or failure depends on your ability to inspire, win and develop your desired customer and market share. Attend this cutting-edge event and ensure your marketing strategy is a winning strategy. Capitalise on KidPOWER '97 and capture the imagination of today's kids. Re-energise yourself, your marketing strategies and drive your organisation to success.

Note the emphasis here is on children 5 to 12.

A workshop on Opportunities of Researching Children at the conference dealt with the questions:

"What are the gaps in knowledge about children's needs, attitudes and behaviours that should be addressed for the future? How committed are research users to a real understanding of what really appeals to today's young children?

Note the word young.

One market research company taking part refers to numerous projects having been undertaken with "kids aged 6 - 18".

Participants at the conference included some of the largest multinational companies and media organisations.

Protecting Kids

Article 17 of the UN Convention on the Rights of the

Child requires States parties to recognise "the important function performed by the mass media." It encourages the dissemination of information that is of social and cultural benefit to children. It also requires parties to protect children from harmful material.

On behalf of governments, in many countries media industry regulators set standards for products and services and investigate complaints about those standards. For example the Australian Broadcasting Authority enforces standards for children's programs shown on commercial television.

However there are many disadvantages with a complaints based regulatory system. As a joint paper published by the Australian Human Rights and Equal Opportunity Commission and the Australian Law Reform Commission states:

As in many other areas of the law, the major barrier to children taking advantage of their consumer rights is that they generally do not know they have those rights. Even if they do know they have rights, children may not understand how to enforce them or feel confident about pursuing a remedy. Children do not often make complaints or follow them through. The Commissions consider that the position of young consumers will, therefore, not be protected through a complaints system alone. Manufacturers, distributors and industry regulators must give the highest priority to safeguarding child consumer's well-being.

In regard to advertising, this as in many other areas in increasingly a case of self-regulation. In Australia an independent body, the Advertising Standards Council, has for many years supervised industry standards and handled complaints in this area.

However, the Council ceased operations at the end of 1996. Complaints about advertising must now be made direct to the advertiser and/or publisher or broadcaster. The

Commissions have announced they are concerned children and parents no longer have access to an independent complaints mechanism.

But beyond the issue of complaints there is the issue of philosophy, and approach. "Australia's littlest consumers" (and American, French, Canadian, British etc) may be a "mighty force" economically, in the words of KidPOWER 97, but they are no match for major corporations; hence the youngest of them don't even know a commercial from a cartoon.

As Dale Kunkel has put it:

Our public policies about children and television advertising say something important about us as people - they tell us whether we choose to place more value on the protection of children as one of society's most precious and vulnerable resources, or whether we choose to allow children to be treated as just another target audience in the multi-billion dollar advertising marketplace. In both our countries [US and Australia] we have so far lacked the resolve to embrace the former perspective yet cannot bear to admit we have accepted the latter - so instead we try to muddy the waters and confuse things by seeking a middle ground of incomplete and inconsistent regulations.

Media is a double-edged sword. We need it and we need to use it. We need to use it to protect human rights and to promote proper public opinion yet we also need to protect individuals and groups such as children from its more avaricious elements. We're doing OK on the first, now is the time to get busy on the second.

PART V

PUNE DECLARATION

Education for Human Rights in Asia and Pacific

24

The Pune Declaration on "Education for Human Rights in Asia & Pacific"

Adopted by the Asia & Pacific Regional Conference on Education for Human Rights, Pune, India, 3-6 February, 1999

The participants of the Asia and Pacific Regional Conference on Education for Human Rights, organized in Pune, India, by the ***World Peace Center of MAEER's MIT*** *(Pune), National Human Rights Commission of India and the Indian National Commission for Co-operation with UNESCO, at the initiative and with the support of UNESCO to commemorate the 50th Anniversary of the Universal Declaration of Human Rights and UN Decade for Human Rights Education (1995-2004), discussed the status of education for human rights and the obstacles and special needs for its promotion in the region.*

The conference note that the Asia and Pacific region

- *is characterized by significant social, political and cultural diversity and varying levels of economic development;*
- *suffers in large parts from extreme poverty and illiteracy;*

- *is experiencing the adverse impact of globalization processes especially in the economic and cultural fields in many cases detrimental to human rights;*
- *suffers from the prevalence of different societal maladies such as child labour, sexual exploitation of women and children, gender inequality, contemporary forms of slavery, discrimination of persons belonging to national or ethnic or religious or linguistic minority groups, exclusion based on social status, deprived and disadvantaged communities and other grounds which seriously impede the promotion of human rights;*
- *is disturbed by the sufferings of innocent people as a result of acts of terrorism, armed conflicts and abuse of power;*
- *is experiencing serious degradation of the environment affecting the quality of life of the people and threatening the very survival of humanity.*

The conference reaffirms that education is a basic right and an essential precondition for the implementation of ***all human rights for all.*** *Further, the participants of this Asia-Pacific Regional Conference feel that a comprehensive, integrated and holistic approach is called for, to popularise education for human rights from school level to Graduate and Post-Graduate level. A similar effort is also called for to bring about attitudinal changes to accept the value of human rights education as an important component of self-development. This ultimately results in creating the awareness right from the childhood. Elementary education shall be free and compulsory. Education shall be directed, in conformity with the Universal Declaration of Human Rights, to the full development of human personality and the strengthening of respect for human rights. It should enable the society*

to address civil, social, political, economic and cultural problems preventing enjoyment of human rights, to improve the quality of life of the people, and to resolve conflicts through peaceful means.

The conference notes the efforts of the inter-governmental and non-governmental organizations, national human rights institutions, educational community and other segments of the civil society to promote education for human rights. The conference is concerned that only very few States in the region have adopted National Plans in conformity with the Plan of Action for the UN Decade for Human Rights Education (1995-2004). The conference further notes that though no formal regional mechanism has been set up in the Asia and Pacific to address human rights issues, other regional arrangements exist through the association and joint efforts of national human rights institutions as well as non-governmental organizations for the promotion of human rights and human rights education at the regional level.

Further, the conference reaffirms all human rights – civil, social, political, economic, cultural – are universal, inter-related, indivisible and interdependent and should be treated on the same footing and with the same emphasis.

Aims and Objectives

The principal aims of education for human rights are:

- *to strengthen respect for human rights and fundamental freedoms;*
- *to develop fully the human personality and the sense of its dignity;*
- *to develop attitudes and behaviour to promote respect*

for the rights of others;

- *to ensure genuine gender equality and equal opportunities for women in all spheres;*
- *to promote understanding and tolerance among diverse national, ethnic, religious, linguistic and other groups;*
- *to empower people to participate actively in the life of a free society;*
- *to promote democracy, development, social justice, communal harmony, solidarity and friendship among nations;*
- *to further the activities of the UN system, in particular UNESCO, the Office of the UN High Commissioner for Human Rights and UNICEF, aimed at the creation of a culture of peace based upon universal values of human rights, international understanding, tolerance and non-violence.*

Contents of Education for Human Rights

Education for human rights, should be aimed at full enjoyment of human rights and fundamental freedoms and for that purpose have regards to the following:

- *All human rights are universal, indivisible, interrelated and interdependent, and all are essential for the full development of human personality;*
- *While regional and national particularities are to be borne in mind, it is the duty of States, regardless of their political, civil, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;*
- *Universal respect for, and observance of, human rights and fundamental freedoms contribute to stability,*

security and well-being, necessary for socio-economic development ;

- *Human rights, democracy, peace and development are interdependent and mutually reinforcing;*
- *Rights of women and girl-child are an inalienable, integral and indivisible part of universal human rights.*
- *Human rights education should be aimed at the full and equal participation of women in political, civil, economic, social and cultural life. Awareness towards prevention of gender - based violence, sexual harassment and exploitation should be a component of education programmes;*
- *Promotion and protection of the rights of the child is a priority and requires dissemination of knowledge of relevant standards. Special efforts are needed to eradicate child labour, child prostitution, and child pornography ;*
- *Special attention should be paid to the rights of persons belonging to various vulnerable groups*
- *national or ethnic, religious and linguistic minorities, indigenous people, refugees and internally displaced persons, migrant workers, persons with HIV/AIDS and other health problems, disabled, and elderly;*
- *Special attention should be also given to the mobilization of the public opinion against major threats and challenges to human rights: terrorism, organized crime, corruption, trafficking of human beings for exploitative purposes, drug trafficking, violence etc.*

Education for human rights should be multidisciplinary and should include the following:

- *knowledge of internationally recognized human rights*

standards enshrined in the Universal Declaration of Human Rights, International Covenants, international conventions, declarations and protocols, and international procedures and mechanisms for human rights protection as well as norms of international humanitarian law;

- *knowledge of national laws and procedures related to human rights;*
- *skills necessary for the application of these standards and procedures in everyday life;*
- *behavioural patterns based upon vigilance against violations of human rights wherever they occur;*
- *knowledge of social realities and impact of globalization process.*

Education in and for human right should also be aimed at the elimination of prejudices and negative stereotypes which in many cases become the source of discrimination, hatred and violence. These concerns should be reflected in manuals, textbooks and other educational materials.

Programmes for education for human rights should be developed in accordance with the Plan of Action for the UN Decade for Human Rights Education (1995-2004), the UNESCO World Plan of Action on Education for Human Rights and Democracy (Montreal, 1993) and the Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy (Paris, 1995).

The conference stresses that education for human rights is, by itself, a human right. It further underlines that it is the duty of the State to take all necessary measures to ensure the realization of this right .

Educational Methods, Teaching Aids and Training Programmes

Appropriate methodology and materials for the teaching of human rights should be developed in full conformity with the human rights principles and standards.

Special attention should be given to the elaboration of educational materials suitable for formal and informal settings, and adapted to the needs and demands of various target groups. Such materials should be made available in various national and local languages, in different forms and in sufficient number. Bearing in mind, the special characteristics of the region and prevailing high level of illiteracy, innovative audio-visual programmes should be prepared. An effort should also be made to reach the population especially in the remote and rural areas.

Environmental education is an essential part of education for human rights.

Participatory methodology for the teaching of human rights which takes into account the involvement of the target groups in the learning process should be adopted.

Further, special attention should be given to the training of :

- *trainers who will ensure a multiplier effect in the promotion of human rights education;*
- *educators and other professionals involved in formal and informal education programmes.*
- *journalists and other media professionals.*

Emphasis should be given to the elaboration and dissemination of human rights training programs designed for professionals having special responsibilities related to the protection and implementation of human rights, in

particular, security, army, police, prison, immigration and other government personnel and public functionaries at different levels as well as medical doctors, other health professionals, and scientists engaged in biological research.

Players

The conference is convinced that the achievement of the goals of education for human rights can be ensured only through active cooperation and participation of all those who have the duty and obligation to promote and protect human rights. Parliamentarians and other elected representatives of the people at different levels, organs of the State, educational and research institutes, national human rights institutions, non-governmental organizations, the mass media and in fact every segment of the civil society have a very important role to play in promoting education for human rights.

The family is crucial for the education of children in the spirit of human rights.

National human rights institutions, non-governmental organisations and their regional associations have a very important role to play in the implementation of national and regional plans and strategies in the field of education for human rights.

Technical assistance and support of the Office of the United Nations High Commissioner for Human Rights, UNESCO and other organizations and bodies in the UN system have an important role to play in the development and implementation of national plans for education for human rights.

The mass media has a positive and a constructive role to play in the promotion of human rights. It should include dissemination of information on human rights issues

including information on violations of human rights and problems that demand urgent intervention. In addition, they should highlight the successful work and positive experiences accumulated by the governmental and non-governmental players at national, regional and international levels.

Private foundations, private enterprises, associations of business and industry, should be encouraged to contribute to the promotion of human rights.

Recommendations

With a view to accelerate the process of promoting education for human rights, the Asia and Pacific Regional Conference on Education for Human Rights adopted the following recommendations:

I) Appeal to the States in the Asia and Pacific region:

1) *To provide free and compulsory primary education for all children;*
2) *To strictly observe the provisions of human rights instruments, and to become parties to human rights treaties if they have not yet done so;*
3) *To disseminate the Universal Declaration of Human Rights and other human rights standard-setting instruments as widely as possible in national and local languages;*
4) *To establish, if they have not already done so, national human rights institutions in accordance with the Paris Principles (1991) and to ensure adequate procedural safeguards for their functioning in a truly independent manner;*
5) *To adopt, if they have not yet done so, National*

Plans in accordance with the aims of the UN Decade for Human Rights Education (1995-2004) and take urgent measures for their implementation;

6) *To allocate sufficient resources to satisfy the needs related to the promotion of education for human rights;*

7) *To draw up and implement sensitization and educational programmes for public functionaries in order to ensure respect for human rights for all;*

8) *To draw up training programmes designed for professionals having special responsibilities related to the protection and implementation of human rights in particular army, security forces, police, prison, immigration and other government personnel at different levels, especially in areas of armed conflicts;*

9) *To ensure that judicial processes are so organized to make them easily accessible, simple and sensitive to human rights concerns;*

10) *To ensure that ministries of education and educational authorities at various levels accelerate their efforts to formulate appropriate syllabi for the teaching of human rights; to develop teaching aids for various target groups for an easy understanding of human rights; and to evolve and implement training programmes for teachers;*

11) *To take measures in order to protect human rights activists and human rights defenders in full conformity with the* ***Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,*** *adopted on 10 December 1998, the day of the 50th Anniversary of the* ***Universal Declaration of Human Rights.***

12) *To create cells for Education for Human Rights which shall be responsible for promoting and consolidating education for human rights. They shall plan the introduction of Education for Human Rights at all stages of school, college and university curriculum. They shall also elaborate and implement programmes for non-formal education for large segments of the society who are outside the ambit of formal education. They shall prepare teaching and training materials in the form of books, audio-visual aids, etc. covering the entire spectrum of education for human rights. They shall also promote short-term courses, seminars, workshops and various other forms of training activities including summer and winter schools. Further, field work and experiential learning in the field of education for human rights be encouraged.*

II) Request elected representatives, *Parliamentarians and other elected representatives of the people, actively support the promotion and protection of human rights and human rights education through appropriate actions within and outside the legislature.*

III) Urge non-governmental organizations *working in the area of human rights to contribute to the effective implementation of human rights education programmes and the National Plans of Action;*

IV) Invite mass media *to increase its contribution to the enhancement of awareness of human rights, sensitization of the general public on violations of human rights and threats to human rights, and formation of public opinion on human rights issues;*

V) Demand national human rights institutions, *individually and jointly through their regional forum in Asia and the Pacific, to support the efforts of governments, academic institutions, non-governmental organizations and*

others players for the implementation of the national programmes in line with the aims of the UN Decade for Human Rights Education (1995-2004);

VI) Request UNESCO Chairs, *associated schools, clubs and associations in the region, to contribute actively in implementing activities in the field of education for human rights;*

VII) Invite the United Nations High Commissioner for Human Rights, UNESCO*, other agencies and bodies within the UN system, as well as other interested inter-governmental organizations to provide technical assistance and support in the development and implementation of national programmes for education for human rights.*

The conference also recommends *that in order to have an on-going experience exchange in the Asia and Pacific region a on "Education for Human Rights", that a regional network with a focal point should be created. It should ensure development and exchange of curricula, training methodology, technical support materials, student-faculty exchange programmes, field visits, etc.*

The conference stresses *that human rights in their wake cast equally important responsibilities and duties on all individuals, society and the state towards everyone. As MAHATMA GANDHI, a great humanitarian, a champion of human rights and a messenger of peace said* ***"Begin with duties of a man and rights will follow as spring follows winter"; rights and responsibilities go together.*** *This also should form part of education for human rights.*

Justice V. Malimath
Chief Adviser,
Asia-Pacific Regional Conference.

Dr. Vishwanath D. Karad
Chairman, Organizing Committee,
Asia-Pasific Regional Conference.

'Human Rights, Human Values and Social Change' brings together in one volume, a selection of papers presented at the Asia-Pacific Regional Conference on 'Education for Human Rights' held at the World Peace Centre, Pune, India, in February 1999. The selection reflects a wide spectrum of experience in the field of human rights education and the efforts towards its promotion, in a global context, in the Asia Pacific region. The presentation covers diverse methodologies as well as an assessment of the current and emergi pedagogies in human rights education.

As we are half way through the United Nations Decade for Human Rights Education (1995-2004), it is perhaps opportune to view the on-going efforts in the region and to evaluate them with a view to enabling injection of new energies at the national, regional and glo levels. It is hoped that this publication will be a source for such an evaluation and will provide inputs for strengthening our efforts to promote and practice human rights values and a human rights cultu